

BART WARM SPRINGS EXTENSION



Final Environmental Impact Report

Volume II

Comments, Responses and Revisions
to the Draft Environmental Impact Report

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Prepared for
San Francisco Bay Area Rapid Transit

November 1991

Submitted by
DKS Associates
Donaldson Associates
and associated consultants



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1. INTRODUCTION

This document is the Final Environmental Impact Report (EIR) Volume II (Comments, Responses and Revisions) for the proposed BART Warm Springs Extension Project. The Proposed Project is a 7.8-mile three-station extension in Fremont, California between the existing Fremont BART Station and the Alameda/Santa Clara County line. The proposed project, as well as eleven alternatives and various design options, were evaluated in the Draft EIR.

The Draft EIR and the Design Appendix were published on July 12, 1991. The formal public review period on the Draft EIR ran until August 26, 1991. BART held a public hearing on the Draft EIR on August 12, 1991 at the Fremont Main Library. Twenty-five people spoke at the public meeting. Thirty-six written comment letters were received during the public comment period.

This Volume, when taken in conjunction with the Draft EIR and Design Appendix, constitutes the Final EIR on the BART Warm Springs Extension Project in conformance with the California Environmental Quality Act (CEQA) and Section 15089 of the CEQA Guidelines. It contains reproductions of all written comments received and a transcript of oral comments made at the public hearing on the Draft EIR as well as written responses to the environmental points raised in the public review process.

Prior to taking action on the proposed BART Warm Springs Extension Project, the BART Board of Directors must certify that the Final EIR, consisting of both the Draft EIR (Volume I) and this second volume of comments, responses and revisions has been completed in compliance with CEQA, and that the BART Board reviewed and considered the information contained in the Final EIR prior to adopting the project. The EIR may be considered complete if it informs the public as to the potential significant impacts of the proposed project, identifies mitigation measures or alternatives to lessen or eliminate significant impacts, and provides a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which thoughtfully considers environmental consequences of the proposed project.

This volume is organized as follows: Chapter 2 provides a list of commentors; Chapter 3 presents comments and responses; Chapter 4 summarizes comments concerning an individual's preference either for or against alternatives. Chapter 5 provides revisions and clarifications to the Draft EIR and a list of added mitigation measures, and Appendices A and B contain a copy of each letter and the public hearing transcript.

The comments presented in Chapter 3 are organized by sections in the same order that the Draft EIR is organized. The format used in Chapter 3 of this Final EIR for the BART Warm Springs Extension is as follows:

- Each comment is identified by a group of one or more letters followed by a number. The letters indicate the environmental category of each comment while the numbers indicate the order within each category. These environmental categories and their letter identifiers are:

Summary	SU
Project Description	PD
Soils, Geology and Seismicity	G
Hazardous Materials	HM
Hydrology	H
Ecosystems	EC
Land Use and Economic Activity	LU
Fremont Central Park	CP
Visual and Aesthetic Quality	V
Cultural Resources	C
Safety and Security	SS
Transportation	T
Noise and Vibration	N
Cumulative Impacts	CU
Other Alternatives Considered	OA
General Comments on the Draft EIR	Gen

- Comments are also identified as to their authors by the reference word in parentheses that follows the subject designation. The commentors and their reference word identifiers are listed in Chapter 2, List of Commentors.
- All comments are grouped by subject area and are reproduced verbatim either from the letters received or from the transcript of the public hearing.
- Following each comment is a response using the same reference number to identify it.
- The Appendices contain an exact photocopy of each letter and the public hearing transcript with the subject categories and order numbers in the margin.

2. LIST OF COMMENTORS

This chapter lists the people/agencies which commented during the public review period for the BART Warm Springs Extension Draft EIR. The reference word listed with the author or commentor is the abbreviation used in Chapters 4 and 5 to designate the author or presenter of the comments.

2.1 AUTHORS OF WRITTEN COMMENTS

<u>Author/Address</u>	<u>Date Received</u>	<u>Reference Word</u>	<u>Page Reference in Appendix</u>
William E. Leonard, Chairman California Transportation Commission 1120 N Street, P.O. Box 942873 Sacramento, CA 94273-0001	August 28, 1991	CTC	A-1
Chris Brittle, Manager, Planning Metropolitan Transportation Commission 101 Eighth Street Oakland, CA 94607-4700	August 28, 1991	MTC	A-2
Ronald J. Kilcoyne, Manager of Research and Planning AC Transit 1600 Franklin Street Oakland, CA 94612	August 27, 1991	AC	A-3
David C. Nunenkamp, Deputy Director Office of Planning and Research 1400 Tenth Street Sacramento, CA 95814	August 27, 1991	OPR	A-6
Gary F. Adams, District CEQA Coordinator Department of Transportation Box 7310 San Francisco, CA 94120	August 27, 1991	Caltrans	A-8

Bill Ball, Mayor City of Fremont 39100 Liberty Street P.O. Box 5006 Fremont, CA 94537	August 26, 1991	Fremont	A-10
Michael R. Keenly 3998 Lux Ct. San Jose, CA 95136	August 26, 1991	Keenly	A-34
Nick Podell M.H. Podell Company 1199 Howard Ave. Burlingame, CA 94101	August 26, 1991	Podell	A-40
Robert S. Allen 223 Donner Avenue Livermore, CA 94550	August 26, 1991	Allen	A-46
William Pease, President Irvington Business Association P.O. Box 1631 Fremont, CA 94538	August 26, 1991	IBA	A-52
Larry Milnes 41704 Murphy Place Fremont, CA 94539	August 26, 1991	Milnes	A-54
James P. and Helen L. Kliment 1585 Valdez Way Fremont, CA 94539-3660	August 26, 1991	Kliment	A-56
William W. Schriever, Secretary Pennsylvania 3443 Homeowners Assn. 3455 Pennsylvania Common Fremont, CA 94536	August, 26, 1991	Schriever	A-58
Dr. Drew Kohler, Vice President Mission San Jose Chamber of Commerce P.O. Box 3396 Mission San Jose, CA 94539	August 26, 1991	MSJCC	A-63

Rollo Parsons, Manager Project Development Santa Clara County Transportation Agency P.O. Box 611900 San Jose, CA 95161-1900	August 26, 1991	SCCTA	A-64
Dehnert C. Queen, Founder and CEO Small Business Development Corporation 956 Sacramento Street, #305 San Francisco, CA 94108	August 26, 1991	Queen	A-66
Roger Kendall, President Fremont Chamber of Commerce One Fremont Place 39650 Liberty Street, Suite 130 Fremont, CA 94538	August 22, 1991	FCC	A-82
Karen Aihara 43426 Newport Dr. Fremont, CA 94538	August 22, 1991	Aihara 1	A-85
C. J. Burroughs Southern Pacific Transportation Company Southern Pacific Building One Market Plaza San Francisco, CA 94105	August 22, 1991	SPTCo	A-86
Patricia Snow 2563 Abaca Way Fremont, CA 94539	August 22, 1991	Snow 1	A-93
Jeff Asay Union Pacific Railroad Company 5500 Ferguson Drive, Suite J East Los Angeles, 90022	August 20, 1991	UPRR	A-95
Sammy Lum 1265 Valdez Way Fremont, CA 94539	August 20, 1991	Lum	A-97
Dale L. Petterson P.O. Box 1462 Palo Alto, CA 94302	August 20, 1991	Petterson	A-98

Karen Aihara 43426 Newport Dr. Fremont, CA 94538	August 18, 1991	Aihara 2	A-100
Neal Johnson 556 La Copita Court San Ramon, CA 94583	August 15, 1991	Johnson	A-107
Lawrence T. Klein, Deputy General Manager Hetch Hetchy Water and Power 1155 Market Street San Francisco, CA 94103	August 13, 1991	Hetch Hetchy	A-108
Pat Lane 5256 Eggers Drive Fremont, CA 94536	August 13, 1991	Lane	A-109
David A. Waugh 39886 Wyatt Lane Fremont, CA 94538	August 12, 1991	Waugh	A-110
Patricia Snow 2563 Abaca Way Fremont, CA 94539	August 12, 1991	Snow 2	A-111
Alice Hoch 41727 Chiltren Drive Fremont	August 12, 1991	Hoch	A-113
Vaughn Wolffe 1541 Cottage Grove San Mateo, CA 94401	August 12, 1991	Wolffe	A-115
John Landers 4797 Stratford Avenue Fremont, CA 94538	August 12, 1991	Landers	A-116
Kathryn Gualtieri, State Historic Preservation Officer Office of Historic Preservation P.O. Box 942896 Sacramento, CA 94296-0001	July 30, 1991	SHPO	A-117

Oheria and Ernest Greene 42255 Osgood Road Fremont, CA 94539	July 30, 1991	Greene	A-118
A.J. Gallardo, Executive Director Alameda County Transportation Authority 1401 Lakeside Dr., Suite 1103 Oakland, CA 94612-4396	July 25, 1991	ACTA	A-119
Michael L. Olson and Kathleen M. Reilly 1693 Valdez Way Fremont, CA 94539	July 25, 1991	Olson	A-120

2.2 COMMENTORS AT PUBLIC HEARING

<u>Commentor/Residence Location or Organization</u>	<u>Reference Word</u>	<u>Page Reference in Appendix</u>
Kunle Odumade City of Fremont Fremont	PH-Fremont	B-19
Jeff Asay Union Pacific Railroad Company East Los Angeles	PH-UPRR	B-21
Hart Rumbolz 2921 Miles Drive Santa Clara	PH-Rumbolz	B-23
William Schriever 3455 Pennsylvania Common Fremont	PH-Schriever	B-25
Robert O'Connor 2376 Jackson Street Fremont	PH-O'Connor	B-27

Mark Hirsch 1550 Washington Blvd Fremont	PH-Hirsch	B-29
Bill Pease Irvington Business Association Fremont	PH-IBA	B-31
James Boissier 4723 Valley Park Avenue Fremont	PH-Boissier	B-34
Denhert Queen Small Business Development Corporation San Francisco	PH-Queen	B-36 B-82
Chuck Journey 41655 Osgood Road Fremont	PH-Journey	B-42
Linda Susoev Fremont	PH-Susoev	B-42
Mohinder Singh 2895 Hancock Drive Fremont	PH-Singh	B-44 B-87
James Lieb Fremont	PH-Lieb	B-48
Glen Norman 40425 Chapel Way Fremont	PH-Norman	B-51
Vaughn Wolffe 1541 Cottage Grove San Mateo	PH-Wolffe	B-53
Robert Allen 223 Donner Avenue Livermore, CA 94550	PH-Allen	B-55

Jonelle Zager 3100 Capitol Avenue Fremont	PH-Zager	B-58
Helen Kliment 1585 Valdez Way Fremont	PH-Kliment	B-59
Jack Seymour 3588 Ronald Court Fremont	PH-Seymour	B-63
Mike Forney 3045 Nightingale Place Fremont	PH-Forney	B-64
Mary Jo Higgason 43438 Newport Drive Fremont	PH-Higgason	B-66
Bruce Aihara 43426 Newport Drive Fremont	PH-Aihara	B-69
Andrea Pohle Benavente Avenue Fremont	PH-Pohle	B-72
Michael Keenly 3998 Lux Court San Jose	PH-Keenly	B-76
Alice Hoch 41727 Chiltren Drive Fremont	PH-Hoch	B-81

3. COMMENTS AND RESPONSES

3.1 COMMENTS AND RESPONSES ON THE SUMMARY

Comment SU-1 (Fremont): Reference page S-9 of the Draft EIR. City staff is not in agreement with the following statement: "Visual Quality: Additional development will create an environment that is more built up which would allow the BART aerial structures less likely to contrast with or dominate their surroundings. Development and maturation of plantings around Central Park will contribute to a visually complex environment capable of visually absorbing the BART structures."

Response SU-1: The statement quoted above by City staff, which is also found in Chapter 6, *Cumulative Impacts*, page 6-2 of the Draft EIR, is a summary of the Cumulative Impact analysis on page 3.8-26. As a summary statement, it is not as complete as the original text. Please refer to the original text on page 3.8-26 of the Draft EIR. In addition, the following is substituted as a more accurate summary:

Visual Quality. Now-vacant and underutilized areas along the project alignment are likely to be developed in the future. In general, the result of this additional development will create an environment that is more built up and, as a consequence the BART aerial structures are less likely to contrast with or dominate their surroundings. Even in Central Park, new civic buildings proposed at the park's north end would create a setting in which the BART aerial structure would be less obtrusive. In other areas of the park new and maturing landscaping will create a more visually complex environment that would be more capable of absorbing the proposed BART structures.

The above paragraph replaces the seventh paragraph on page S-9 and the second paragraph on page 6-2 of the Draft EIR.

It is important to note that any confusion about the meaning of the briefer statements in the *Summary* should be clarified by referring to the full text of the corresponding section of the Draft EIR.

Comment SU-2 (Fremont): Reference page S-9 of the Draft EIR. Central Park has been conceptualized in zones of varying recreation activity intensity. The zone near Lake Elizabeth is considered a passive recreation zone. Some Civic Center build up near Stevenson Boulevard, such as a Police Building or Swim/Gym, will not serve to lessen the visual and aesthetic impact to passive recreation users nearer to Lake Elizabeth. (LS)

Response SU-2: The City's Master Plan does not define "conceptualized" use areas of Central Park. It is recognized, however, that the area between the north shore of Lake Elizabeth and the softball complex, the soccer fields, and the animal shelter as well as the area along the eastern shore of the Lake at least as far as the SPTCo railroad tracks is to be considered a passive recreation area. Throughout the relevant sections of the Draft EIR, including Sections 3.7, *Fremont Central Park*, 3.8, *Visual*, and 3.13, *Noise*, the impact analysis recognizes the predominately passive uses in this area. For example, the visual analysis for the Proposed Project states that, "The aerial structure would be most visible and have the greatest impacts as it passes along the northern edge of Lake Elizabeth . . ." (page 3.8-19) The Draft EIR does not state or imply that the proposed build up of the Civic Center would lessen the visual impacts near Lake Elizabeth.

Comment SU-3 (Fremont): Reference page S-9 of the Draft EIR. The above EIR statement (see SU-1) also contradicts several statements on page S-7. Considering the complete build-out of developments at the northerly side of Stevenson Boulevard opposite Central Park, and the maturing of the trees at Central Park, City staff contends the BART Design Options 2A and 3 will still have significant adverse visual impact in the surrounding area. (PW)

Response SU-3: The text of the Draft EIR, pages 3.8-34 and 3.8-37 and the Summary (page S-18) identify significant residual impacts in the vicinity of Lake Elizabeth for Design Options 2-A and 3. There does not appear to be a conflict between the City staff's contention and the Draft EIR on this point.

Comment SU-4 (Fremont): BART, as property owner, may be responsible for "investigation and cleanup."

Response SU-4: The exact reference is unclear. This response assumes the comment refers to the phrase "cooperate with the investigation and clean-up" in the second row, third column under *Hazardous Materials*.

The word "cooperate" is accurate because the reference is to the potential impacts of BART construction activities on the investigation or clean-up of pre-existing contaminated sites for which other parties are responsible. See *Mitigation of Interruption or Delay of On-going Site Investigation/Remediation Activities*, page 3.3-16 of the Draft EIR.

As noted above, any confusion about the meaning of statements in the *Summary* should be clarified by referring to the full text of the corresponding section of the Draft EIR.

Comment SU-5 (Fremont): Reference page S-12 of the Draft EIR. "Site characterization and remediation activities" may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

Much more than a "site-specific health and safety plan" will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. Implementation of part or all of a site characterization and remediation plan may be required. (B&S)

Response SU-5: The mitigations call for the characterization and remediation of areas identified on pages 3.3-17 through 3.3-20 as potentially effected by known and suspected contamination sites along the proposed alignment. The investigation and remediation of these areas would be conducted during project development, in accordance with applicable local, State and federal regulatory requirements. The steps in such a process include:

1. Develop a Work Plan for additional site characterization activities and submit it to the appropriate local and state regulatory agencies in order to secure the necessary permits to conduct the work.
2. Undertake additional soil sampling in areas of known contamination to further define the horizontal and vertical extent of contamination.
3. Install groundwater monitoring wells in locations where dewatering activities may be required to identify any potential groundwater contamination for water management purposes.
4. Remove contaminated soils in areas of proposed excavation and dispose of them off-site.
5. Import clean fill, as necessary.

(In some cases, it may be more efficient to coordinate steps 4 and 5 with the timing of project related excavation work.)

6. Document the remediation work for submittal to the local and state agencies issuing permits. This may include recommendations for further groundwater monitoring, if necessary.
7. Continue groundwater monitoring, if required.

See also Comment and Response HM-2.

Comment SU-6 (Fremont): *Reference page S-13 of the Draft EIR. Impact of a subway on groundwater flow would not be significant, in part, because flow direction is generally northerly near Lake Elizabeth. However, during construction, Mission Creek should not be diverted into Lake Elizabeth except during storm conditions.*

Response SU-6: The subway could inhibit groundwater flows if there is a westward component to the direction of groundwater movement in the project area. The Draft EIR properly identifies this as a potential impact and recommends mitigation measures that could be incorporated into the design of the subway structure.

The disposition of Mission Creek waters during construction would be addressed in the Erosion and Sediment Control Plan that would be prepared by BART and reviewed by the Alameda County and Fremont Public Works Departments. See pages 3.4-16 to 3.4-19 of the Draft EIR.

Comment SU-7 (Fremont): Reference page S-13 of the Draft EIR. An aerial track may block the movement of wildlife which now occurs across both railroad tracks. Deer, fox, and opossum have been seen moving between Lake Elizabeth and the hills to the east. Raccoon, pheasant, and a variety of rodents are also common to the area.

Response SU-7: The aerial structure would not add a significant new impediment to the movement of deer, opossum, fox, or raccoons between Lake Elizabeth and the hills to the east. At present these animals must cross two railroad corridors, pass through a residential area and cross Mission Boulevard. The ground beneath the structure will be open allowing free movement below the aerial structure. Movement would only be restricted when the alignment is at-grade or depressed.

Comment SU-8 (Fremont): Reference page S-13 of the Draft EIR. New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerial structures and other impervious cover may add a significant and unacceptable burden to the City. (B&S)

Response SU-8: The Draft EIR recognizes the potential for increased surface runoff from the project and identifies it as a significant impact (page 3.4-13). Potential impacts on surface water quality are also discussed (page 3.4-15). The mitigation section notes that the water quality degradation can "be mitigated to a level less than significant by proper management practices and special design considerations." The section goes on to note that the specific management practices that would be required by the Regional Water Quality Control Board as part of the non-point source NPDES permits are not known. The Alameda County Flood Control and Water Conservation District is the lead NPDES permit holder in the project area. The mitigation measure requires that BART coordinate management practices with the County to ensure compliance with future requirements.

Comment SU-9 (Fremont): Reference page S-14 of the Draft EIR. Dewatering during the construction of a subway is unlikely to impact potable water supply because of the geologic composition. However, flow into Lake Elizabeth could be significantly impacted.

Response SU-9: The referenced text on pages S-14 is a summary of the detailed analysis on pages 3.14-17 through 3.14-19. As noted, no significant impacts are expected relative to

dewatering activities, whereas the reduction of capacity of Lake Elizabeth and possible blockage of inflow channels during construction is considered potentially significant. It is expected that a feasible approach to construction will be developed and implemented so that the potential impact can be reduced to an insignificant level. The Draft EIR notes that the impacts could be mitigated by phasing construction during the summer when flood waters are not expected or, alternatively, the construction contractor could stage the work so that existing flows and storage capacities could be maintained.

Comment SU-10 (Fremont): Reference page S-14 of the Draft EIR. An aerial would reduce available flight paths for the many water fowl which use Lake Elizabeth during migrations.

Response SU-10: The aerial structure has the potential to affect existing flight paths of a few birds, although this is not identified as a significant impact in the Draft EIR because the Lake has a surface area of about 83 acres with ample open space along most of its shoreline, particularly the entire north shore, for bird flights.

Comment SU-11 (Fremont): Reference page S-14 of the Draft EIR. The restoration of riparian habitat as well as the lost grasslands should be addressed. (B&S)

Response SU-11: The restoration of riparian habitats is addressed under "Mitigation Measures" in the last row on page S-14 of the Draft EIR and the first row at the top of page S-15 of the Draft EIR. Revegetation of grassland habitat is addressed on page 3.5-24.

Comment SU-12 (Fremont): Reference page S-15 of the Draft EIR. Wetlands will likely have to be replaced at a higher than one-for-one basis, both for any losses related to Central Park and for areas in the sag ponds which are negatively impacted. (B&S)

Response SU-12: The Draft EIR, on page 3.5-26 indicates that the 1.5 acres of emergent seasonal wetlands lost by the project would be replaced by moving the wetland/flood control area to the west and that any jurisdictional (Clean Water Act Section 404(b)(1)) wetlands would be replaced on a minimum one-for-one basis. As noted in the Draft EIR, page 3.5-22, any fill placed in jurisdictional wetlands or waters of the United States in conjunction with the project will require a permit from the U.S. Army Corps of Engineers under Section 404(b)(1) of the Clean Water Act and its guidelines. The exact type of permit required (standard, nationwide or other) and the permitting conditions would be determined by the Corps of Engineers personnel after a process that considers many factors including the qualities of the aquatic site, the extent of potential degradation of the aquatic ecosystem, the appropriateness and practicality of measures to minimize harm to the aquatic ecosystem, and whether or not the project is in the public interest. The process for the consideration and issuance of standard Corps permits includes public review. It cannot be known whether wetlands would have to be replaced on a higher than one-for-one basis until the conclusion of the 404(b)(1) permitting process.

As noted in the Draft EIR, p. 3.5-26, "all jurisdictional wetland fill must be avoided, minimized, or compensatory mitigation provided on a minimum one-for-one functional replacement basis. The Proposed Project avoids jurisdictional wetlands where possible; where it is not possible, at a minimum one-for-one replacement will be provided."

Comment SU-13 (Fremont): Reference page S-16 of the Draft EIR. Some summary items are not clear about establishing replacement sports fields prior to any disruption of existing fields. Section 3.7 provides more detail. However, it should be clear at all times that placement of temporary or alternate ball fields will be achieved prior to disruption of existing facilities to insure program continuity. BART should propose where the fields are to be temporarily or permanently replaced to insure they do not impact other planned developments. (LS)

Response SU-13: For a full understanding of the details of statements contained in the *Summary* the reader is directed to the corresponding text of the Draft EIR.

The mitigation measures for the impacts of the softball fields are presented on pages 3.7-14 and 3.7-15 of the Draft EIR. The mitigation measure states that, "in advance of construction, BART would relocate and replace the two affected softball fields to another location within the Park to be developed in consultation with the City of Fremont." The mitigation measures go on to note that one potential solution would be to relocate the facility about 200 feet to the north into what is now a parking area and replace the parking along the BART alignment in the area between the existing and relocated ball fields. It also states that if timely replacement is not possible, BART would work to identify and lease temporary replacement fields at other locations so that league play could continue uninterrupted.

It is recognized that implementing plans for replacement of the softball fields may be difficult, and that it may not be possible to eliminate all potential disruption of the softball programs. If the City's plans for future projects in the Park such as the Golf Course, Swim Center, Police Administration Building have not been built in advance of the BART extension, additional options for siting the replacement ball fields may be available.

Comment SU-14 (Fremont): Reference page S-17 of the Draft EIR. Propose what specific modification of softball fencing and lighting will be needed and how it may be accomplished without altering program. (LS)

Response SU-14: See page 3.7-19 of the Draft EIR for discussion on potential modifications. Detailed plans for the reconfiguration of the ballfields would be developed during engineering design.

Comment SU-15 (Queen): Page S-3 (Table S-1): Fatal Flaw, table misleads/misrepresents ridership by presenting only figures for the year 2010 in that 10,000 of the projected 21,900 boardings are from the current Fremont Station. The balance appears hard to justify from a cost per boarding perspective.

Response SU-15: Table S-1 presents the future year (2010) ridership of BART in the Warm Springs Corridor including the Fremont Station and any additional stations for the project. The Table shows the projected ridership for BART under Alternative 1 - No Project and No Transportation Improvements (status quo) of 11,200 daily entries and exits. The Table also shows projected ridership for the Proposed Project (21,900 daily entries and exits) and the other alternatives. The Table does not mislead or misrepresent the ridership projections for the extension in comparison to the status quo. The EIR presents expected benefit in terms of ridership and the estimated cost of the project. The commentor's belief that it appears hard to justify the project from a cost per boarding perspective is noted.

3.2 COMMENTS AND RESPONSES ON THE PROJECT DESCRIPTION

Comment PD-1 (MTC): As noted in the Draft EIR, MTC has an adopted rail extension program and financial plan (MTC Resolution No. 1876), which includes the Warm Springs Extension. This program and financial plan were updated in February 1991 based on information submitted by project sponsors including BART. MTC's update was based on BART's submitted project definition and cost for a two station (Irvington and Warm Springs), 5.4 mile extension. The proposed three station, 7.8 mile alternative in the Draft EIR is inconsistent with MTC Resolution No. 1876. A three station extension would require new revenue sources beyond those currently assumed in the financial plan for Resolution No. 1876 and would require revisions to Resolution No. 1876.

Response PD-1: Within the terms and guidelines of the California Environmental Quality Act, funding for the Warm Springs Extension is not considered an environmental issue. At the current time, there is no designated funding source for the last segment of the proposed project (from Warm Springs Station to South Warm Springs Station). BART intends to work with MTC and other public and private funding sources to identify funds for the entire project. We are cautiously optimistic that funding will be found and be available for the entire length of the proposed project. Ultimately the BART Board will choose a project to implement that is feasible taking into account both environmental and economic factors.

BART agrees that the Proposed Project of 7.8 miles and three stations is not consistent with the Warm Springs Project as described in MTC Resolution 1876 and that the resolution would have to be revised to encompass the entire project.

Comment PD-2 (MTC): It is unclear from the Draft EIR whether cost figures are in 1991 dollars (as stated in Table S-1) or in escalated dollars (as stated in Table 2-5 on page 2-49). If they are escalated figures, we ask that BART revise cost figures to 1991 dollars in the final EIR or include assumptions on annual inflation projections and annual expenditures.

As noted in the Draft EIR, p. 3.5-26, "all jurisdictional wetland fill must be avoided, minimized, or compensatory mitigation provided on a minimum one-for-one functional replacement basis. The Proposed Project avoids jurisdictional wetlands where possible; where it is not possible, at a minimum one-for-one replacement will be provided."

Comment SU-13 (Fremont): Reference page S-16 of the Draft EIR. Some summary items are not clear about establishing replacement sports fields prior to any disruption of existing fields. Section 3.7 provides more detail. However, it should be clear at all times that placement of temporary or alternate ball fields will be achieved prior to disruption of existing facilities to insure program continuity. BART should propose where the fields are to be temporarily or permanently replaced to insure they do not impact other planned developments. (LS)

Response SU-13: For a full understanding of the details of statements contained in the Summary the reader is directed to the corresponding text of the Draft EIR.

The mitigation measures for the impacts of the softball fields are presented on pages 3.7-14 and 3.7-15 of the Draft EIR. The mitigation measure states that, "in advance of construction, BART would relocate and replace the two affected softball fields to another location within the Park to be developed in consultation with the City of Fremont." The mitigation measures go on to note that one potential solution would be to relocate the facility about 200 feet to the north into what is now a parking area and replace the parking along the BART alignment in the area between the existing and relocated ball fields. It also states that if timely replacement is not possible, BART would work to identify and lease temporary replacement fields at other locations so that league play could continue uninterrupted.

It is recognized that implementing plans for replacement of the softball fields may be difficult, and that it may not be possible to eliminate all potential disruption of the softball programs. If the City's plans for future projects in the Park such as the Golf Course, Swim Center, Police Administration Building have not been built in advance of the BART extension, additional options for siting the replacement ball fields may be available.

Comment SU-14 (Fremont): Reference page S-17 of the Draft EIR. Propose what specific modification of softball fencing and lighting will be needed and how it may be accomplished without altering program. (LS)

Response SU-14: See page 3.7-19 of the Draft EIR for discussion on potential modifications. Detailed plans for the reconfiguration of the ballfields would be developed during engineering design.

Comment SU-15 (Queen): Page S-3 (Table S-1): Fatal Flaw, table misleads/misrepresents ridership by presenting only figures for the year 2010 in that 10,000 of the projected 21,900 boardings are from the current Fremont Station. The balance appears hard to justify from a cost per boarding perspective.

Response SU-15: Table S-1 presents the future year (2010) ridership of BART in the Warm Springs Corridor including the Fremont Station and any additional stations for the project. The Table shows the projected ridership for BART under Alternative 1 - No Project and No Transportation Improvements (status quo) of 11,200 daily entries and exits. The Table also shows projected ridership for the Proposed Project (21,900 daily entries and exits) and the other alternatives. The Table does not mislead or misrepresent the ridership projections for the extension in comparison to the status quo. The EIR presents expected benefit in terms of ridership and the estimated cost of the project. The commentor's belief that it appears hard to justify the project from a cost per boarding perspective is noted.

3.2 COMMENTS AND RESPONSES ON THE PROJECT DESCRIPTION

Comment PD-1 (MTC): As noted in the Draft EIR, MTC has an adopted rail extension program and financial plan (MTC Resolution No. 1876), which includes the Warm Springs Extension. This program and financial plan were updated in February 1991 based on information submitted by project sponsors including BART. MTC's update was based on BART's submitted project definition and cost for a two station (Irvington and Warm Springs), 5.4 mile extension. The proposed three station, 7.8 mile alternative in the Draft EIR is inconsistent with MTC Resolution No. 1876. A three station extension would require new revenue sources beyond those currently assumed in the financial plan for Resolution No. 1876 and would require revisions to Resolution No. 1876.

Response PD-1: Within the terms and guidelines of the California Environmental Quality Act, funding for the Warm Springs Extension is not considered an environmental issue. At the current time, there is no designated funding source for the last segment of the proposed project (from Warm Springs Station to South Warm Springs Station). BART intends to work with MTC and other public and private funding sources to identify funds for the entire project. We are cautiously optimistic that funding will be found and be available for the entire length of the proposed project. Ultimately the BART Board will choose a project to implement that is feasible taking into account both environmental and economic factors.

BART agrees that the Proposed Project of 7.8 miles and three stations is not consistent with the Warm Springs Project as described in MTC Resolution 1876 and that the resolution would have to be revised to encompass the entire project.

Comment PD-2 (MTC): It is unclear from the Draft EIR whether cost figures are in 1991 dollars (as stated in Table S-1) or in escalated dollars (as stated in Table 2-5 on page 2-49). If they are escalated figures, we ask that BART revise cost figures to 1991 dollars in the final EIR or include assumptions on annual inflation projections and annual expenditures.

Response PD-2: The Capital Cost title in Table S-1 of the Draft EIR is corrected from (1991 dollars) to read (Escalated to Time of Expenditure). The Capital Cost was escalated based on assumptions of an annual inflation projection of five percent to midpoint of construction or procurement and eight percent for real estate acquisition to the time of acquisition.

***Comment PD-3 (Caltrans):** In reference to the footnote on page 2-6 regarding Caltrans constructing an underpass for Warren Avenue, it should be noted that Caltrans does have plans for a new interchange at Mission Boulevard and the Interstate 880 Interchange. Precise improvements at Warren Avenue as a result of these plans have not been determined. Therefore, future improvements may or may not include an underpass at Warren Avenue.*

Response PD-3: Caltrans' comment that future improvements at Warren Avenue may or may not include an underpass is noted. The design option identified at the bottom of page 2-14 of the Draft EIR concerning Warren Avenue is included in the Draft EIR to respond to the current uncertainty as to what improvements will be made at this location.

***Comment PD-4 (Fremont):** The cost information regarding subway and aerial options presented in the report is difficult to interpret and may be misleading. Based on City staff discussions with the EIR consultant, City staff concludes the additional cost of subway through Central Park lands is approximately \$40 million minus the cost to replace park land impacted by the aerial alternative. The \$60 million added cost mentioned in Table 2-6 includes costs associated with subway under Paseo Padre Parkway and includes no provision for replacing park land. Replacement of park land is mandated by State law, the Public Park Preservation Act of 1971. The minimum estimated park land replacement cost for the five acres under the structure would be approximately \$4,000,000 and could be higher if it is determined that a greater acreage is affected by the aerial alternative.*

Response PD-4: The cost information in Table 2-6 on page 2-50 of the Draft EIR was designed to be incrementally applied for ease of understanding. Section 1 of the table provides the project cost for each alternative and describes the main features of each alternative. Section 2 of the Table identifies additional costs associated with various design options. Section 2(a) addresses the additional cost of each of the Central Park design options. Section 2(b) identifies the incremental cost (either positive or negative) if the BART alignment were at-grade at Paseo Padre Parkway (with an aerial roadway over BART and the railroads). Thus for the proposed project, Section 2(a) shows an added cost of \$60 million to be subway under Lake Elizabeth and under Paseo Padre Parkway. Section 2(b) shows that for the Proposed Project there would be a cost savings of \$17 million if the BART alignment were at grade at Paseo Padre Parkway with an aerial roadway.

The Public Park Preservation Act of 1971 (California Public Resources Code, §5400 et. seq.) provides that no agency of the state or public utility shall "acquire ... real property ... in use as a public park, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both,...to replace the parkland and facilities thereon".

The Draft EIR, on pages 3.7-11, and 3.7-19, indicates that the Proposed Project and Design Option 2A would physically take about 1,100 square feet of parkland for the support columns and would cover about 2.6 acres of parkland with the aerial structures. Design Option 3 would require a slightly larger amount of land for the support columns and would cover 2.7 acres of land within Central Park (page 3.7-23). BART recognizes that, under this law, it would have an obligation to compensate the City. Replacement land adjacent to the Park may be available from the parcel immediately south of Central Park East, portions of which would have to be acquired no matter which Design Option is selected.

BART understands the requirements of the Act and will provide for compensation under the terms of the Act. This will be done after the BART Board adopts a project for implementation. Also see comment and response CP-3.

Comment PD-5 (Fremont): The cost of adequately mitigating the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole, not the City of Fremont. While the City endorses the Warm Springs Extension, the major benefits of the extension accrue to the Bay Area region and not the City of Fremont. Since 9,249 of the 21,900 projected riders boarding at the four (4) Fremont stations are expected to have Santa Clara County origins or destinations, Santa Clara County should provide its proportionate share of the extension costs. If both sides approach these negotiations in a fair minded manner, agreement on financial participation by Santa Clara County should be possible.

Response PD-5: The funding structure for all BART extensions has been developed in conjunction with the Metropolitan Transportation Commission as the regional transportation agency and is based on earmarked funding from various sources. This funding is intended to pay all the costs of the extension including the mitigation measures. Enhancements to an adopted project if requested by a local agency are possible but would need to be paid by the requesting agency.

The Draft EIR, on page 1-6, indicates that the purpose and need for the proposed Fremont-Warm Springs extension project are directly related to the current and anticipated growth in employment and population in the coming 15 to 20 years in southern Alameda County, in particular the City of Fremont. BART's Warm Springs Extension would provide improved transit service to better balance local and regional transportation demand now, and provide increased transportation capacity for future growth in areawide employment and population.

Comment PD-6 (Fremont): Last year, the Fremont City Council suggested consideration of extending the depressed alignment of BART and the railroad lines from the Irvington Station southerly to approximately 750 feet south of an extended Blacow Road in order to mitigate impacts on a substantial number of residences south of the Irvington Station. The new Draft EIR does not address this option. Anticipated noise, vibration and safety impacts of BART (when added to the impacts of the existing railroads) generally between Washington Boulevard and Durham Road are

unacceptable and must be properly mitigated at BART's expense. A depressed alignment extending south from the Irvington station would be a desirable solution. We believe the 72" storm drain referenced in the Draft EIR poses an engineering challenge, but is not a reason to reject the concept of a depressed rail bed through this area. The City Council requests BART thoroughly address the feasibility of this option in their response to this letter.

Response PD-6: It is not economically feasible to use the depressed alignment profile as a noise and vibration mitigation measure. The costs associated with the additional excavation and structures for the two railroad tracks along with BART's facilities and utility relocations within the railroad rights-of-way would not be justified when sound walls, resiliently supported ties and floating slabs would mitigate the noise and vibration with the proposed at-grade section for BART. Lowering or relocating the existing 72" storm drain and providing a pumping station is only a portion of the overall cost impacts.

In addition, the railroads have objected to the additional length and gradient of the depressed profile. These objections are based on their concerns for operational safety and costs.

The Draft EIR does indicate that the appropriate mitigation measures would be provided in this segment of the alignment including sound barriers, resiliently supported ties and use of floating slabs where required. These measures, as stated in the Noise and Vibration section of the Draft EIR on pages 3.13-27 through 3.13-34 would mitigate noise and vibration levels to below a level of significance.

Comment PD-7 (Fremont): *Reference page 2-4 of the Draft EIR. For the Proposed Project, "South of Walnut Avenue, existing poor load bearing soils in the tule pond will be excavated and replaced with soils suitable for construction ..." This is a complex engineering project and the necessary protections for the environment and habitat have not been addressed in the draft EIR. Use of drain wells should not be allowed. (B&S)*

Response PD-7: The Draft EIR recognizes that the work in the South Tule Pond area would have multifaceted environmental implications. To begin with, the EIR notes that the compressible soils that form the bottom of the pond would not make a suitable base for the placement of the BART embankment and suggests their replacement as a mitigation measure (p. 3.2-35). The hydrology issues associated with the construction of the embankment across part of the Tule Pond are addressed in section 3.4 and specific mitigations are presented on pages 3.4-10 and 3.4-17. The mitigation on p. 3.4-10 calls for replacement of the location of the stormwater volume by extending the pond. On page 3.4-17 the EIR recognizes that erosion and sedimentation could result in significant surface water quality impacts during construction, although these impacts could be reduced to less than significant levels with proper design and construction. The EIR calls for preparation of an erosion and sedimentation control plan for the entire project, including the Tule Pond area. It specifically suggests that sedimentation barriers be placed along the toe of the embankment to prevent sedimentation of seasonal wetlands.

Ecosystems issues related to the Tule Pond are addressed in section 3.5. The existing habitat is described on p. 3.5-12. Construction period mitigation of potential impacts on the open water areas of the Tule Pond are presented on page 3.5-25. Significant long term impacts to the emergent seasonal wetlands of the South Tule Pond are identified on page 3.5-22, while mitigation measures are described on page 3.5-26. The text notes that the habitat values lost during construction would be unmitigable and significant, but long-term significant impacts would be mitigated to a less than significant level.

These cross references will be added to the text of the Draft EIR (see Chapter 5 Draft EIR Revisions and Clarifications). As noted on page 3.4-10 of the Draft EIR, BART has initiated review coordination with the Alameda County Flood Control District. Final recommendations will be submitted to the Alameda County Flood Control District for their approval. The Flood Control District will have the opportunity to review the detailed design documents and to inspect the work during the construction phases of this segment of the Project. Drain wells will not be allowed if they affect the area's storm water collection system.

Comment PD-8 (Fremont): Reference page 2-24 of the Draft EIR. A BART extension along Osgood Road, rather than parallel to the railroad rights-of-way, would encounter more areas of potential environmental contamination which could require soil characterization and remediation. (B&S)

Response PD-8: Section 3.3.8 on page 3.3-24 of the Draft EIR discusses the hazardous materials impacts for the alternative alignment along Osgood Road and states that there are fewer known sites associated with hazardous materials that might have affected the subsurface located along the Osgood Road (Alternative 8) alignment.

Comment PD-9 (Fremont): Reference page 2-42 of the Draft EIR. This section addresses planned modifications to the tule pond as part of the construction project. There is no mention of essential protective measures for the riparian habitat, deep water aquifer, and stormwater control. (B&S)

Response PD-9: See Response PD-7.

Comment PD-10 (Fremont): Reference page 2-43 of the Draft EIR. Propose where a construction storage yard would be located. Adverse visual impacts would occur if the yard is located within Central Park. (LS)

Response PD-10: Every effort will be made to identify construction storage areas which will have a minimal impact on ongoing operations of the park and adjacent private property while still providing the contractors with a cost effective location for their operations. Construction staging and storage sites that are in close proximity to the actual construction will be required to minimize the requirement for transporting personnel, materials and supplies over the local road system continuously during the construction of the project. In response to this comment,

a new mitigation measure is identified as follows: Contractor's site plans will be reviewed by BART and the City of Fremont to control the locations and durations of storage.

Comment PD-11 (Fremont): Reference page 2-47 of the Draft EIR. The section on Cost Comparisons does not include projected costs for characterization and remediation of areas with potentially significant environmental contamination. (B&S)

Response PD-11: The estimated conceptual capital cost in Table 2-5 for the proposed project and alternatives does not include any allowance for mitigation. However, Table 2-6 presents the total estimated conceptual capital cost, the incremental costs associated with each design option, the estimated cost for BART vehicles and an allowance for mitigation including hazardous materials.

Comment PD-12 (Keenly): Relocate the UPRR track to the west.

An enormous cost savings will result from relocating the UPRR track closer to the SPRR tracks. Many of the businesses, which are to be relocated due to lack of space for the BART alignment east of the UPRR right-of-way could (and should) be spared (see Figure 1, following pages). Keeping BART between the SPRR and the UPRR rights-of-way would require the Warm Springs and South Warm Springs Stations to be constructed below-ground, increasing the project cost significantly.

Instead of constructing the BART tracks east of the UPRR track as proposed, the UPRR track can be moved west, closer to the SPRR tracks (the average spacing center-to-center between the two SPRR tracks measures only 17 feet, thus the UPRR track can be relocated relatively close to the SPRR tracks). This idea is definitely more feasible now, considering that the property occupied by Truck Rail Services at Warren Ave. is up for sale. This piece of land can then be used in the relocation of the UPRR tracks to the west.

At the point where the BART aerial alignment crosses over the SPRR tracks just southeast of Central Park, the UPRR track would continue its path northeast along the original alignment just as if the track was not relocated.

Since the UPRR and the SPRR tracks parallel each other for most of the length where the BART Extension is to be constructed, an agreement might be negotiated where the two railroad companies may even share the SPRR tracks. This would be possible considering that the UP has only a single track line and the SP has a double track line for this segment. The conflicts between SP and UP trains would be minimal considering the relative infrequency of freight operations.

Since consideration is being given to a BART extension south of the Alameda County line into the City of Milpitas, this issue of track conflict will most likely need to be addressed at some point in the future. A Milpitas BART Extension with cost effective above- ground stations would not be

possible, due to the placement of relatively new housing developments directly east of the current UPRR right-of-way between Dixon Landing Rd. and Kato Rd.

Response PD-12: The concept of relocating the UPRR is presented in the Draft EIR as a Design Option as described in section 2.3.2 OTHER DESIGN OPTIONS on page 2-15. BART has explored the potential for joint operation of the UPRR and SPTCo on one track. BART will continue to encourage such a plan for the future, however such a plan is not currently accepted by the railroads.

Comment PD-13 (Podell): *Please address the following questions in your final EIR for the Warm Springs Extension:*

- 1. Please show us on an engineered plan how much property you will take from us based on the track alignment shown in the Draft EIR.*
- 2. Please give us the area of the above described right of way taking in square feet.*
- 3. Please give us the elevations of the top of the rail and distance in feet from the top of rail to the existing earth grade, at 100 foot increments, for all route alternatives, both aerial and subterranean, discussed in the Draft EIR, between Walnut Avenue and Stevenson Boulevard.*

BART and BATC engineers have told us that it is possible to build a retaining wall along the side of the earthen berm which the tracks lie across our property. The retaining wall will reduce the amount of property you have to take from us from right-of-way.

- 4. Would you please produce an engineered plan with a retaining wall along the earthen berm on our property so as to reduce to the minimum amount the area of land you have to take from us for the right of way.*

Response PD-13: The Draft EIR was based on conceptual plans for all alternatives. Following the decision of the BART Board of Directors as to the specific project to be undertaken, detailed engineering will be undertaken on the selected alternative which will answer the specific engineering questions raised in this comment.

Comment PD-14 (Podell): *We estimate that the cost of our land will be in excess of \$700,000 an acre by the time you buy it. Please perform an economic cost analysis comparing the expansion of the water retention pond on your land adjacent to the north tule pond versus buying our land.*

Please perform an economic cost analysis comparing the cost of constructing a retaining wall against the earthen berm on our property versus buying more land without the retaining wall.

Response PD-14: Cost analyses of this level of detail are generally not required in the context of an EIR. Following the decision of the BART Board of Directors as to the specific project to be undertaken, detailed engineering will be undertaken on the selected alternative which will include the detail raised in this comment.

Comment PD-15 (Allen): *Page 2-35: 2nd par., last sentence, change to read: "...would allow 2.25-minute spacings transbay." Last par., fourth line: Isn't board policy to have maximum Cruise speeds of 70 mph?*

Response PD-15: The last sentence of the second paragraph of Section 2.5.2 on page 2-35 of the Draft EIR which reads:

Completion of the Capacity Expansion Program currently being implemented by BART, e.g., new C-car procurement, Daly City Turnback/Yard, electrical capacity expansion, automatic train control and wayside train control/system performance modifications and brake rate algorithm modifications, would provide 2.25-minute spacings on transbay lines.

is changed to read:

Completion of the Capacity Expansion Program currently being implemented by BART, e.g., new C-car procurement, Daly City Turnback/Yard, electrical capacity expansion, automatic train control and wayside train control/system performance modifications and brake rate algorithm modifications, would provide 2.25-minute spacings transbay.

The completion of the Capacity Expansion Program is designed to allow BART trains to travel at 80 miles per hour instead of their current maximum of 70 mph.

Comment PD-16 (Allen): *Page 2-36: Last par., 9th line:*

Route 180 headways are about 15 minutes during commute hours and 30 minutes during the day. (Admittedly they should be every 15 minutes during the day, timed for good connections with BART trains. They should also be direct.)

Response PD-16: The third paragraph sixth sentence (lines eight and nine) of Section 2.5.3 on page 2-36 which reads:

Route 180 has a scheduled headway of 10 minutes during the commute hours and 15 minutes during the rest of the day.

is changed to read:

Route 180 has a scheduled headway of 15 minutes during the commuter hours and 30 minutes during the rest of the day.

Comment PD-17 (Milnes): UNDERGROUND CONSTRUCTION AT CENTRAL PARK. The DRAFT Environmental Impact Report indicates the height of the culvert top as it crosses Lake Elizabeth - would be at elevation of 48 feet. This would be approximately equivalent to the wintertime water surface elevation of the lake. An elevation of 48 feet for the top of the culvert would effectively preclude boating use of the easterly end of Lake Elizabeth. The top of the culvert should be no higher than 44 feet, as it passes under the lake, in order for this end of the lake to continue to function as it does now.

Response PD-17: The Draft EIR does not explicitly indicate the height of the subway top. Plan and Profile drawings that show approximate elevations are available in a separate Design Appendix. The top of the subway box would be maintained at approximately the bottom of the lake area it passes through. (Also see Response CP-2.)

Comment PD-18 (Milnes): One approach not discussed in the DRAFT Environmental Impact Report (in connection with the construction of a culvert for BART through the active portion of Central Park) is to fill-in the portion of the lake northeasterly of the BART crossing. To do so would reduce the water surface area of this 80+ acre lake by some ten (10) acres. Benefits to all parties could result:

1. *BART would experience lower construction costs by virtue of not having to construct the culvert lower.
A. There would be less excavation and backfill required; and
B. The extent to which ground water would be encountered during construction would be lessened.*
2. *The culvert could be constructed in an open trench type of construction, at least cost and least construction disturbance to the lake.*
3. *The risk of penetrating the clay layer over the Niles Cone gravel beds below the park would be lessened.*
4. *BART could utilize the portion of the lake to be abandoned for disposal of excavated soil from other project locations (so long as the material was of suitable quality for park use).*
5. *The City would have more usable land for park development.*

Response PD-18: This concept was considered at one time as an alternative to going under the finger of the lake. Because of the sensitivity to the size and character of the lake and the surrounding habitat, it was decided that this alternative not be pursued and instead an alternative alignment option bypassing the lake (Design Option 2S) was introduced that accomplishes many of the same benefits as suggested by the commentor without adversely impacting the lake and its immediately adjacent habitat.

Comment PD-19 (Queen): Page 2-37, para 2: My report (ref #17) demonstrates that The MTC's Regional Travel Model and the forecasts is [sic] produces is based on assumptions and programming that must be reviewed by the scientific community, certified and then rerun relative to this EIR and the previous/related EIRs.

Response PD-19: The MTC Regional Travel Model is accepted as the basis for projecting regional travel forecasts by local agencies in the region, as well as state and federal agencies. The model results represent the best projections available within the region.

Comment PD-20 (Queen): Page 2-37, para 4: The net reduction of 37 percent in the approximate 10,000 existing patrons at the Fremont Station must be reflected in the tables in this section. Doing so would result in substantially reducing the patronage figures in the tables, and thus this section is invalid.

Response PD-20: The patronage estimates shown in Table 2-2 of the Draft EIR reflect the reduction in ridership at the Fremont Station when new stations are added. The table projects the expected ridership at each station for the Proposed Project and each alternative including a "status quo" alternative. See Response SU-15.

Comment PD-21 (Queen): Page 2-47, para 4: FATAL FLAW. While Table 2-5 summarizes the cost in escalated dollars, the table does NOT display the cost of bond financing. If one assumes for the purposes of conveying the point that the bonds are issued at say 8 percent for 20 years, then the total cost is a little more than twice the principle amount. In other words, the \$690 million project really costs \$1.4 billion! This is about \$176.9 million per mile for the 7.8 mile project.

It is my understanding that the above cost does NOT include certain mitigation costs including traffic, intersection and related costs, etc. These items must be specifically laid out and the costs presented, including the cost of borrowing money.

Response PD-21: The sources for financing the Warm Springs Extension are not all determined at this time. In particular it has not been determined what portion (if any) would be financed through bonds. Table 2-6 provides cost information for alternatives, design options, vehicles and mitigations. Each of these items are specifically laid out and the costs presented.

Comment PD-22 (Queen): Page 2-48, para 4 and page 2-51, Table 2-7: the total annual incremental operating and maintenance costs for the Proposed Project and alternatives in 1991 dollars...?

Fatal Flaw. What does the sentence mean? I don't want to see "incremental" cost figures. I want to see a table that shows annualized cost figures that have been escalated for inflation for the years 1990 through 2010.

Fatal Flaw. Also, what is the taxpayer getting for this? I want to see tables showing train frequency, cars per train, headway, et al.

Response PD-22: The incremental annual O&M cost represents the cost of providing service on the extension additional to the service which is currently being provided. In other words, the cost of operating Alternatives 1, 2 or 3, no service expansion alternatives, is deducted from the cost of operating the build alternatives to show the incremental added cost for the extension. The O&M costs are shown in current dollars for ease of understanding and comparative purposes. O&M costs increase with inflation for the duration that service is provided, a table showing those costs escalated for each year does not contribute to any improved understanding of the project. The operating plan for the Warm Springs Extension is presented in Section 2.5.2, Operations Plan, on page 2-35 of the Draft EIR and describes peak and off peak service frequency on each of the lines that connect to Fremont.

Comment PD-23 (SPTCo): Sheet 3, Drawing 3D, Proposed Project - 800' VC is too short; must be at least 1230'. Need alignment details for SPTCo track relocation (degree of curve, spiral length, superelevation, etc.)

Sheet 4, Drawing 4B, Proposed Project - Need alignment details for SPTCo track relocation (degree of curve, spiral length, superelevation, etc.)

Sheet 11, Drawing 3, Alternative 4 - Need alignment details for SPTCo track relocation (degree of curve, spiral length, superelevation, etc.)

Sheet 12, Drawing 4, Alternative 4 - 500' VC is too short; must be at least 795'. Need alignment details for SPTCo track relocation.

Sheet 17, Drawing 3D, Alternative 5 - 800' VC is too short; must be at least 1230'. Need alignment details for SPTCo track relocation.

Sheet 18, Drawing 4B, Alternative 5 - Need alignment details for SPTCo track relocation.

Sheet 62, Drawing 3D, Alternative 11 - 800' VC is too short; must be at least 1230'. Need alignment details for SPTCo track relocation.

Sheet 63, Drawing 4B, Alternative 11 - Need alignment details for SPTCo track relocation.

Sheet 73, Drawing 3J, Option 2S - 800' VC is too short; must be at least 1230'. Need alignment details for SPTCo track relocation.

Sheet 82, Drawing 15, Section H - Require 15'-0" minimum from ROW Line to centerline SPTCo track to accommodate signals, signs and ditches. 10" High Pressure Petroleum Pipeline belongs to Santa Fe Pacific Pipelines, not Southern Pacific.

Sheet 84, Drawing 17, Section Q - Need ditches for surface drainage along cut at right of SPTCo track, and on two benches above it. Underdrains should handle only sub-surface drainage. Need drainage quantities and piping details.

Sheet 85, Drawing 18, Section R - Box structure for SPTCo track should be no closer to centerline of SPTCo track than 10'0" on both sides; otherwise, this structure becomes the limiting clearance for wide loads on this main line. (This is 1' greater than the 9' minimum asked for in Drawing No. CZ 299 on June 4, 1990.)

Response PD-23: Comments noted. These comments have been given to the BART Engineering Department for action. Following the decision of the BART Board of Directors as to the specific project to be undertaken, detailed engineering will be undertaken which will provide the information desired by this comment.

Comment PD-24 (UPRR): *Union Pacific Railroad also opposes the Irvington station alternatives which places Union Pacific Railroad (and Southern Pacific, as well) in a depressed trench running beneath the station. Although a long subway is not utilized, the railroad must pass under vehicle and pedestrian access bridges. The problems of security and derailment remain. Exhaust smoke may be a problem for pedestrians and motorists as the trains build up power to pull out of the depressed area. In both alternatives, trains entering the depressed area experience a buildup of dynamic forces which could cause a derailment. As the front part of the train is applying power to pull out of the depressed zone, the back end of the train is still running downhill. These opposing forces sometimes lead to derailments. It is better to avoid them altogether if possible.*

Response PD-24: For these alternatives, the design of the alignment and profile for the railroads will be fully consistent with the freight railroad design criteria with regard to gradients and profiles and operating speeds. The track alignments for the railroads in other alternatives (such as 6, 7, 8, 9 and 10) do not require depressing the railroad tracks. Security would probably be improved by the presence of BART by making access more difficult (since the BART right-of-way will be enclosed by fences). A derailment in a depressed trench would have more restricted access than currently exists at the station site. Since the alignment is generally in an open cut exhaust smoke will dissipate with the prevailing winds.

Comment PD-25 (Johnson): *The Warm Springs Station Site is also a good one, although the residential area served is not large, the access to the south on I-880 is good. Traffic using Fremont Blvd. and Grimmer Blvd. to enter the station and Warm Springs Blvd. and Mission Blvd. to return will find easy access to the station. This pattern should be encouraged and a 4-way stop at Grimmer Blvd. and Old Warm Springs Blvd./Lopes Court should be corrected. The South Warm Springs station should probably be built when BART is extended into Santa Clara County.*

Response PD-25: Alternatives 4, 5 and 9 as described in Chapter 2 Project Description of the Draft EIR terminate at the Warm Springs Station leaving the South Warm Springs Station to be constructed at some future time when desired.

Comment PD-26 (ACTA): *Our principal comment concerns Alternative No. 3. This alternative is for widening and adding HOV lanes to I-880 in Alameda County. We question why widening and adding HOV lanes to I-880 is presented as an alternative when the Measure B funded portion of I-880 improvements is scheduled for completion in 1996. Measure B will fund widening of I-880 to eight lanes from the Santa Clara County line to the Alvarado/Niles Interchange in Union City, a distance of thirteen miles. This work includes provision for ramp metering and HOV lanes. It is our understanding that these features must be operational upon completion of this widening stage.*

Response PD-26: Alternative 3 (No Project plus Transportation Systems Management) includes the HOV lanes on I-880 in Alameda County rather than in Alternative 2 (No Project plus Programmed Transportation Improvements) because the 1990 State Transportation Improvement Program (STIP) did not show continuous HOV lanes on I-880 between SR 238 and the Montague Expressway, a gap was shown between Mowry and Mission (approximately 5 miles).

Comment PD-27 (PH-UPRR): *It [the commentor is referring to Alternative 4] puts the Union Pacific and the Southern Pacific very close together in a long tunnel. And we just do not think that that is, environmentally, a good idea. To get the trains under the station, the front half goes down and then the front half goes up. The back half is still going down while the front half is still going up. It puts in motion a set of forces on the train. As the locomotive is going up the hill, it's putting out more smoke; it's making more noise. And if, unfortunately, there should be a derailment in a tunnel like that, the logistics of trying to clean it up would really be a nightmare.*

Response PD-27: Mitigation measures are limited. These problems are not associated with Alternatives 6, 7, 8, 9, and 10.

Comment PD-28 (PH-UPRR): *The alternative, the proposed project station at Irvington is a little bit different and it's better. It [the commentor is referring to the Proposed Project] keeps the Union Pacific and the Southern Pacific on opposite sides and it isn't, as I understand it, in such a long tunnel. But nonetheless, we don't like being down in a hole and having to go down the hole and then go up the other side. As recent events, unfortunately, have called to our attention, we really*

do have to think about all the things which impact on trains. And this is one of them what we call the buff forces, the train going different--one side going downhill, one side going uphill.

Response PD-28: See Response PD-27.

Comment PD-29 (PH-Allen): *There were errors in the EIR. For example, it said that the 180 runs on 15-minute headways on commute hours, 30 minutes during the day. Well, that's what they are is about 30 minutes during the day. It said every 15 minutes and the EIR is wrong there, and somebody should take a good look at it.*

Response PD-29: See Response PD-13.

Comment PD-30 (PH-Keenly): *And a couple of interesting things about the proposed project that we should consider is possibly moving the Union Pacific Railroad tracks west of where they are located now although I know the Union Pacific Railroad Company wouldn't like to see that. By doing this, we could probably not have to remove three-quarters of all the commercial buildings that are located on the east side right now, the east side of the Union Pacific Railroad tracks. Most of these buildings are probably less than ten years old. Actually, one, I think is just now being completed. It runs right next to the UPRR tracks, and it's probably going to be moved. I don't think anyone's moved in there yet.*

Response PD-30: See Response PD-12.

3.3 COMMENTS AND RESPONSES ON SOILS, GEOLOGY AND SEISMICITY

Comment G-1 (Fremont): *Reference page 3.2-13, Figure 3.2-4 of the Draft EIR. The graphic of "Regional Faults" and the Project Corridor is misleading. This is, in part, due to the scale. In reality, faults are not a single, solid line that have clear, sharp edges. There are several fault traces, which are discussed in the narrative. It would be more informative for the general public who may try to understand the "Seismicity" section, to have more accurate, and thus more revealing graphics. (B&S)*

Response G-1: Figure 3.2-4 is provided to establish the generalized location of the "Project Corridor" relative to the major faults within 50 miles of the Warm Springs Extension project. The Hayward Fault zone crosses the project corridor at its northern end. This is clearly illustrated in Figures 3.2-5 and 3.2-6, and is discussed extensively in the accompanying text.

Comment G-2 (Fremont): *Reference Page 3.2-28 of the Draft EIR. Walnut Avenue will be built on embankment with a 54 foot crest, per BART Design Criteria, with sideslopes of 2:1. Fremont staff has concern with the 2:1 slope (vs. 3:1) in terms of maintenance of erosion control plants on the site slopes. Will jute-matting be provided for the side slopes? What is BART's experience in other areas with embankment having slopes of 2:1? (PW)*

Response G-2: The Draft EIR shows the conceptual design for the embankment adjacent to Walnut Avenue to have side slopes of 2:1, however, this is not the final design for this structure. The BART Design Criteria requires that all slopes conform to recommendations of the appropriate geotechnical report. This will certainly be the case for this embankment which is near the Hayward Fault.

It has been the practice in normal BART construction to use a 2:1 slope for embankments and other fills and to provide slope protection as required. However, the embankment near Walnut Avenue, as well as at other comparable sections of the Warm Springs Extension, will be designed in accordance with BART design criteria as referenced above.

Comment G-3 (Fremont): Reference page 3.2-33 of the Draft EIR. The second paragraph mentions the adverse effect of groundshaking liquefaction differential settlement on the two subway options (Design Option 1 and 2S) on the proposed alignment at Central Park. What are the mitigations? The statement seems to considerably disfavor the subway option. Are not the design considerations addressed in the BART Extensions Program Design Criteria sufficient to mitigate these impacts?

Response G-3: The specific potential for groundshaking liquefaction differential settlement along the Warm Springs Extension corridor for the selected alternative will be developed during engineering design by BART's Engineering Consultants based on BART Seismic Design Criteria as discussed under *Mitigation of Seismic Shaking and Associated Potential Ground Failure* on page 3.2-33 of the Draft EIR. Mitigation measures for geologic impacts associated with the Design Options 1 and 2S include: removal or recompaction of shallow deposits of liquefiable soils, provision of dynamic compaction, vibra-compaction or grouting. BART Seismic Design Criteria call for the development of specific information (e.g., soil type and liquefaction potential) for each location containing liquefiable soils to establish specific design parameters and the proper type of mitigation for each location.

The steps in such a process include:

1. Undertake additional soil sampling in areas of expected liquefaction.
2. Conduct engineering analysis of samples and determine preferred technique for stabilizing condition.
3. Implement stabilizing techniques.

Comment G-4 (Fremont): Reference page 3.2-33 of the Draft EIR. What were the design considerations used in the Trans-Bay Tube between San Francisco and Oakland? (PW)

Response G-4: The BART Transbay Tube is a completely different structure in concept, design, and construction and should not be compared with the cut and cover construction proposed under the lake. The main part of the Transbay Tube was constructed as a precast concrete tube with a metal shell that was floated out in sections and sunk into position on the bottom of the bay. Twin shield driven tubes were used for the San Francisco end of the Transbay connection to reduce street interference and disturbance to the Ferry Building. At the Oakland end of the Transbay Tube cut and cover construction in a braced trench was used at the Oakland Mole.

Comment G-5 (Fremont): Reference page 3.2-35 of the Draft EIR. All construction should comply with the requirements in the Uniform Building Code and Uniform Fire Code enforced at the time of construction. (B&S)

Response G-5: BART will comply with the requirements of the Uniform Building Code and Uniform Fire Code for all construction of the Extension.

Comment G-6 (Fremont): Reference page 3.2-36 of the Draft EIR. What is the extent of review by the City's Building and Safety Department with regards to compliance with UBC requirements in the design of the facilities?

Response G-6: All of BART's facilities are designed to be in accordance with the applicable State and Federal requirements for fire/life safety, exiting and selection of construction materials and assemblies. The California PUC has the responsibility to monitor and assure conformance to these rigorous standards. Although BART is not required to obtain building permits from local municipalities, an opportunity for technical review of the contract plans and specifications will be provided to the City of Fremont.

The Fremont Fire Department will be afforded review opportunities as requested. BART will work with the Fremont Fire Department on the proposed Extension in the same manner as on the existing BART Fremont Station.

Comment G-7 (Fremont): Reference page 3.2-36 of the Draft EIR. Provisions should be made to accommodate City of Fremont requirements, such as the City of Fremont Grading, Excavation and Sedimentation Control Ordinance. (PW)

Response G-7: It is BART's practice and intent to follow local requirements (such as the City of Fremont Grading, Excavation and Sedimentation Control Ordinance) as much as possible during design and to supply design review opportunities to the City at various stages of the development of the designs for comment by the City Staff.

Comment G-8 (Schriever): I attended the public hearing on the Draft EIR held on Monday, August 12, and spoke briefly concerning some seismic considerations. In particular, I quoted the following paragraph from page 3.2-28 of the Draft EIR:

The subway portions of Design Options 1 and 2S do not cross the fault trace. Since fault rupture is restricted to areas along the fault, there is no potential for fault rupture impact on the subway structure.

I argued that contrary to the assumptions of the Alquist-Priolo Special Studies Zones Act, there is a real possibility that the fault rupture might be drawn to the long, deep cut containing the subway structure since it would be adjacent to and roughly parallel with the existing fault trace. Similarly, the fault rupture might be drawn to the Irvington station since the building and the tracks are to be placed in a deep cut that intersects the existing trace of the Hayward Fault just outside the station.

Response G-8: The location of fault rupture would be controlled by the location of the fault plane of the Hayward Fault. The fault plane is a zone of weakness which extends to great depths beneath the earth's surface. Expression of the fault rupture would be controlled to a limited extent by surficial conditions, but would not significantly affect the strike (orientation) of the fault. It is therefore highly unlikely for the fault to change orientation by approximately 30 degrees because of the cut prepared for the below-grade section of the proposed alignment.

Comment G-9 (Schriever): *I also made reference to the following paragraph from page 3.2-33 of the Draft EIR:*

The subway structure proposed in Design Options 1 and 2S could also be adversely affected by strong groundshaking and liquefaction. Differential settlement along the tunnel in response to liquefaction or tectonic settlement could result in significant trackway deflections or displacements. Such effects could impact train operation. Cracking of the subway structure could cause significant groundwater seepage into the subway tunnel.

My comment was that to describe the leakage of water into the tunnel as "groundwater seepage" was a gross understatement of the risk to be expected. In fact, given the relatively unlimited supply of water in Lake Elizabeth, the tunnel could easily be flooded by water flowing through a crack in the subway structure. My point is that there is a significant probability that the passengers on a train trapped in the tunnel during a severe earthquake could be drowned whether or not the fault rupture actually crosses the subway structure.

Response G-9: The probability of the subway segment severing or cracking in a seismic event to the point of permitting penetration of large quantities of water is considered extremely small based on using BART's design criteria for underground structures. The shear mass or dead weight of the subway structure is sufficiently great that any movement would be dispelled uniformly through the entire subway structure, which would minimize any probability of the structure being fractured. As quoted above, the Draft EIR identifies the potential for

significant groundwater seepage. The design criteria would limit water intrusion to seepage from small cracks.

BART would utilize the following design criteria for a subway alignment through the Park and Lake Elizabeth:

- Design for maximum credible earthquake with a maximum ground acceleration of 0.7g which is the maximum acceleration expected along the Hayward fault.
- Design for dynamic earth pressure caused by the earthquake.
- Preclude use of any expansion joints in the underground structures.

See also response G-3.

Comment G-10 (Schriever): Next I made reference to the calculation presented in the following two paragraphs from pages 3.2-29 and 3.2-30 of the Draft EIR:

The seismic design criteria and emergency procedures would not reduce the potential impacts of surface rupture where the tracks cross the fault traces to an insignificant level. The maximum expected horizontal displacement of ten feet would likely cause significant displacement of the tracks. Displacement of the tracks could result in derailment of passing trains causing risks of personal injury and damage to equipment. The probability of such an event is the combined probability of a rupture event and passage of a train over the ruptured section of track.

The probability of a magnitude 7.0 earthquake (considered capable of causing fault rupture at the ground surface) on the southern East Bay segment within the period 1990 to 2020 is estimated to be 0.23. The probability of a train passing any of the three identified alignment Crossings of the HFZ is a function of trip frequency, train length and train speed. Assuming 84,280 trips per year, an average train length of 5 cars (350 ft.) and a train speed of 38 miles per hour, the probability of a train passing across three fault zones with assumed width of 200 feet is estimated to be 0.08. The combined probability of an earthquake event occurring while a train is within the fault zone is approximately 0.02, or a 1-in-50 chance."

As I pointed out at the hearing, this analysis ignores the fact that the train is moving and therefore may Cross a fault Zone at any time after fault rupture occurs until the train has been brought to a stop.

First consider the calculation of the probability of finding some portion of the train within a fault zone at the time the earthquake occurs based on the assumptions made in the Draft EIR. A train

350 feet in length traveling at 38 miles per hour or 55.7 feet per second will have some portion of the train within a fault zone 200 feet in width for:

$$(350 + 200) / 55.7 = 9.87 \text{ seconds.}$$

Given 84,280 trips per year across 3 similar fault zones the probability of finding some portion of a train within any fault zone would be:

$$(9.87 \times 84,280 \times 3) / 31,536,000 = 0.079$$

where 31,536,000 is the number of seconds in a year. In my opinion the analysis should end at this point since, sooner or later, such an earthquake is virtually certain to occur. But to continue With the analysis as presented in the Draft EIR, assuming the probability of such an earthquake is 0.23 then the combined probability is:

$$0.079 \times 0.23 = 0.018$$

or approximately 1-in-50.

Now consider the calculation of the probability of the train entering the fault zone after the earthquake has occurred. Assume that the train is traveling at 38 miles per hour or 55.7 feet per second, that the brakes are applied immediately after the earthquake is detected and that braking occurs at the rate of 0.1 times the gravitational acceleration of 32.2 feet per second per second then the train will travel for:

$$55.7 / (0.1 \times 32.2) = 17.3 \text{ seconds}$$

before coming to a stop. Repeating the calculation presented above with 17.3 seconds substituted for 9.87 seconds, the probability of the train entering any fault zone after the earthquake occurs is 0.139. Thus the probability of a train being caught in the process of crossing any one of the three fault zones when the earthquake occurs is:

$$0.079 + 0.139 = 0.218$$

or approximately 1-in-5.

Suppose that Design Option 1 is adopted and the tracks are placed in a subway structure through Central Park. A similar calculation can be used to estimate the probability of a train being caught in the tunnel under Lake Elizabeth when the earthquake occurs. According to the description on page 2-11 of the Draft EIR, "BART would be in a subway structure for an additional 1.5 miles of its length." Assuming the trains are traveling through the tunnel at 38 miles per hour or 55.7 feet per second and that the tunnel is 1.5 miles or 7920 feet in length, the trains will spend:

$$7920 / 55.7 = 142 \text{ seconds}$$

of each trip in the tunnel. Assuming 84,280 trips per year, the probability of catching a train in the tunnel when the earthquake occurs is:

$$(142 \times 84,280) / 31,536,000 = 0.38$$

or approximately 1-in-3.

Finally, the probability of a train being severely impacted by the earthquake (being caught in the process of Crossing any one of the three fault zones or traveling through the tunnel under Lake Elizabeth) is:

$$0.218 + 0.38 = 0.60$$

or approximately 1-in-2. Should the earthquake occur during rush hour, it is virtually certain that at least one train would be severely impacted.

In conclusion, this analysis indicates the Draft EIR is in error by an order of magnitude when it suggests that the probability is only 1-in-50 that a train would be severely impacted by the fault rupture. Furthermore, the operation procedure "that all trains proceed in manual operation at a maximum speed of 25 miles per hour to the nearest station" recommended on page 3.2-29 of the Draft EIR cannot possibly have any mitigating effect. Were it implemented without regard to track conditions, the probability that a train would be severely impacted would increase to a virtual certainty.

Response G-10: The commentor points out that the probability presented on page 3.2-30 of the Draft EIR considers the probability of a BART train being within any fault zone but does not consider the probability of a BART train entering the fault zone immediately after the earthquake. The commentor assumed a braking rate of 3.2 feet per second per second (where BART emergency braking rate is 4.4 feet per second per second). Additionally, the commentor used the time it takes to stop to calculate the probability of a train entering the fault zone after an earthquake when the correct calculation considers the distance needed to stop and the time it takes to cover that distance at the train's normal speed. This probability is developed as follows: assume that the train is traveling at 38 miles per hour (or 55.7 feet per second), that the emergency brakes are applied immediately after the earthquake is detected and that the emergency braking rate (as defined in the BART Design Criteria) is 3.0 mphps (or 4.4 feet per second per second). Then the train will travel for 12.7 seconds ($55.7/4.4 = 12.7$ seconds) before coming to a stop, or 355 feet ($\frac{1}{2} \times 4.4 \text{ feet/s/s} \times 12.7 \text{ secs} \times 12.7 \text{ secs} = 355 \text{ feet}$). A train within 355 feet of the fault zone would not be able to stop before entering the zone. The time that the train is not in the fault zone but would enter the fault zone even with emergency breaking is 6.4 seconds ($355/55.7 = 6.4$ seconds). The probability of a train being outside the three fault zones but not being able to stop without entering the zone is 0.05 ($(6.4 \times 84,280 \times$

.3)/31,536,000 = 0.05). The addition of 0.08 (the probability a train is within the fault zone) and 0.05 (the probability that a train cannot stop before entering the fault zone) is 0.13, which is the probability of a train being caught in the process of crossing any one of the three fault zones. The combined probability of an earthquake event occurring while a train is within the fault zone or unable to stop without entering the fault zone would be 0.03 ($0.13 \times 0.23 = 0.03$), or approximately 3 in 100.

The last two sentences of the second paragraph on page 3.2-30 of the Draft EIR which currently read:

Assuming 84,280 trips per year, an average train length of 5 cars (350 feet) and a train speed of 38 miles per hour, the probability of a train passing across the three fault zone with assumed width of 200 feet is estimated to be 0.08. The combined probability of an earthquake event occurring while a train is within the fault zone is approximately 0.02, or a 1-in-50 chance.

are changed to read:

Assuming 84,280 trips per year, an average train length of 5 cars (350 feet), a train speed of 38 miles per hour and an emergency braking rate of 4.4 feet per second per second, the probability of a train entering or passing across the three fault zones with assumed width of 200 feet is estimated to be 0.13. The combined possibility of an earthquake event occurring while a train is within the fault zone or unable to stop without entering the fault zone is approximately 0.03, or a 3-in-100 chance.

As discussed in Response G-9, the probability of the subway segment severing or cracking in a seismic event to the point of permitting penetration of large quantities of water is considered very, very small, based on using BART's design criteria for underground structures. The probability of a train being severely impacted by the earthquake (being caught in the fault zone or unable to stop without entering the fault zone), as described above, does not include traveling through the subway under Lake Elizabeth.

As described on page 3.2-29 of the Draft EIR, the operation procedures for trains to proceed at a slow speed in manual operation to the nearest station assumes traction power is functioning and allows an operator to visually inspect the track in front of him. The Draft EIR also states that if fault rupture results in track failure, power is automatically cut off, providing additional protection for the train following a seismic event.

Comment G-11 (Schriever): At the first two public meetings I spoke out against the concept of running the BART tracks in a tunnel underneath Lake Elizabeth. My hope was that I might awaken some opposition to the tunnel being promoted by the Fremont City Council based on one or more of the following considerations:

1. *A tunnel under Lake Elizabeth would be extremely vulnerable to damage from a major earthquake on the Hayward Fault. A crack in the tunnel could cause a train to be trapped within the tunnel and, at the same time, allow water from Lake Elizabeth to flood the tunnel so that all of the passengers on the train might be drowned.*
2. *Building a tunnel under Lake Elizabeth would increase the cost of the Warm Springs Extension by something like \$50 million dollars (now estimated at \$60 million dollars, see page S-3 of the Draft EIR). Considering how desperately such funds are needed for improvements to our schools, for example, spending this money on a tunnel would be an incredible waste of the community's limited resources.*
3. *The visual impact on the passengers of replacing a view of Lake Elizabeth with a view of the dirty wall of a tunnel such as we now experience when riding BART into the West Oakland station would be much more objectionable to many more people than any aesthetic loss that might occur if the BART tracks were carried on an aerial structure over Central Park.*

At this point I sense that the tide has turned. The proponents of a tunnel have been quieted and several opponents stood up at the last public hearing to express their concerns. In this regard, I hope the BART Board won't take the machinations of the Fremont City Council seriously.

Response G-11: Refer to Response G-9 concerning point 1. The commentor is correct in noting in point 2 that the cost of subway under Lake Elizabeth is on the order to \$50 million more than an aerial alignment. The commentor is also correct in noting in point 3 that passengers would experience a loss of views of Central Park if BART passes beneath the park in a subway. Note, however, that Section 3.8, Visual and Aesthetic Quality, predicts significant visual impacts of an aerial alignment in the area around Lake Elizabeth.

Comment G-12 (PH-Schriever): *Page 3.228 of the Environmental Impact Report makes a statement:*

The subway portions of Design Options 1 and 2-S do not cross the fault trace. Since fault rupture is restricted to areas along the fault, there is no potential for fault rupture impact on the subway structure.

Now, I just don't agree with that. How ever convenient it may be to make that statement, it seems to me that when you make a trench in the ground parallel to a fault, a deep trench, and a long trench, and you have an earthquake, it seems to be quite probable that the rupture may break through into that trench rather than follow the old rupture. I don't think there's anything that guarantees, as suggested elsewhere in this report, that by passing legislation that you can guarantee that the fault will break where it broke before. Even if it's state legislation.

Response G-12: Refer to response G-8.

Comment G-13 (PH-Schriever): *In the section on the probability of an earthquake causing a train to derail, the arithmetic there is correct, but I don't consider that discussion complete. What is calculated there, it says:*

The combined probability of an earthquake event occurring while a train was within the fault zone is approximately 1 in 50.

And I guess that's probably true if the train is, in fact, always going 38 miles per hour and you have three fault zones and the other assumptions that are made there, you, in fact, get that number. It turns out if the train's going twice as fast, the probability is half as much. It would be 1 in 100. So if you could just make the trains go fast enough, the probability would be practically zero. What's ignored there is the time it takes to stop the train in anticipation of the bent track. That is completely left out of the calculation. And if that's put in there, then you will get probabilities that are somewhat higher than what's anticipated there. And that probability, we're talking about ten seconds roughly, that the train could be within the fault zone, in any one fault zone.

I don't know how long it takes to stop a train, but they don't stop real fast. And even if you had a communication system that would sense the earthquake and put on the brakes automatically, the train could very easily take 30 seconds to stop or a minute or something like that, without throwing the passengers through the door. And when you compare that to the ten seconds that you've already allowed, you could see that the probability could very well be five times as great as anticipated there, that you could get an impact from a moving train relative to the fault.

Response G-13: Refer to response G-10.

Comment G-14 (PH-Schriever): *I think that the discussion is just inadequate when it comes to discussing the environmental impact on human beings relative to the subway aspects of both the Irvington Station and the Central Park. It mentions liquefaction in there occurring with respect to the tunnel and it assumes that the tunnel is not ruptured and then says, well, it could be cracked and there could be water infiltration. Well, with a lake there to supply the water, there could be a lot of water infiltration and everybody on the train could drown by the time you got your rescue efforts going.*

Response G-14: Refer to responses G-3 and G-9.

3.4 COMMENTS AND RESPONSES ON HAZARDOUS MATERIALS

Comment HM-1 (Fremont): *Hazardous Materials Mitigation: Contrary to several statements in the Draft EIR, operation of the BART track and facilities will involve the management of hazardous materials. Examples include the vehicle wash and maintenance pit near the end of track at the*

Santa Clara County line. Construction operations will also involve a variety of hazardous materials which will require appropriate management. Examples include contaminated soil and water.

Response HM-1: The paragraph under **Impact of Exposure to Hazardous Materials**, on page 3.3-14, which reads:

Operation of the project would not involve the use or storage of hazardous materials; however, there is a potential exposure to hazardous materials due to underground fuel pipelines located along portions of the proposed alignment. Ruptured or leaking fuel pipelines could contaminate surrounding soils or groundwater and create a potential health and safety risk. In addition, the proposed BART alignment would be located adjacent to the existing SPTCo and UPRR tracks which could expose BART patrons to hazardous materials spills in the event of a train accident or collision involving a SPTCo or UPRR train carrying hazardous materials. Trains from both rail companies carry hazardous materials on the track on a daily basis.

is deleted and replaced with the following:

Operation of the project would involve the use and storage of hazardous materials in and adjacent to the car wash and inspection pit adjacent to the tailtrack area south of the terminal station. The car wash would use a 1 percent solution of oxalic acid stored in a holding tank. Containers of a 10 percent oxalic acid solution would be stored on-site. Hazardous materials used in the emergency maintenance pit would include 80 or 90 weight lube oil, isopropyl alcohol and solvents for degreasing. The solvents may contain mineral spirits, 1,1,1 trichloroethane or xylene. These hazardous materials would be transported, stored and handled in conformance with standard BART procedures and applicable laws and regulations.

There is a potential of exposure to hazardous materials due to underground fuel pipelines located along portions of the proposed alignment. Ruptured or leaking fuel pipelines could contaminate surrounding soils or groundwater and create a potential health and safety risk. In addition, the proposed BART alignment would be located adjacent to the existing SPTCo and UPRR tracks which could expose BART patrons to hazardous materials spills in the event of a train accident or collision involving a SPTCo or UPRR train carrying hazardous materials. Trains from both rail companies carry hazardous materials on the tracks on a daily basis.

Comment HM-2 (Fremont): *BART, as property owner, may also be responsible for investigation and clean-up. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community. An approved remediation plan will be required to assure BART*

development will not negatively impact any required site remediation. The draft EIR does not document the incorrect assumption of no negative impacts. The Draft EIR identifies the potential for exposure of citizens and constructions workers to contaminated soil and/or groundwater.

Response HM-2: The mitigation of the potential exposure of workers and the public to potentially hazardous materials was discussed on pages 3.3-20 and 3.2-21. The mitigations call for the characterization and remediation of areas identified on pages 3.3-17 through 3.3-20 as potentially impacted by known and suspected contamination sites along the proposed alignment. The investigation and remediation of these areas should be conducted during project development. The steps in such a process, as stated in response SU-5, include:

1. Develop a Work Plan for additional site characterization activities and submit it to the appropriate local and state regulatory agencies in order to secure the necessary permits to conduct the work.
2. Undertake additional soil sampling in areas of known contamination to further define the horizontal and vertical extent of contamination.
3. Install groundwater monitoring wells in locations where dewatering activities may be required to identify any potential groundwater contamination for water management purposes.
4. Remove contaminated soils in areas of proposed excavation and dispose of them off-site.
5. Import clean fill, as necessary.

(In some cases, it may be more efficient to coordinate steps 4 and 5 with the timing of project related excavation work.)

6. Document the remediation work for submittal to the local and state agencies issuing permits. This may include recommendations for further groundwater monitoring, if necessary.
7. Continue groundwater monitoring, if required.

Comment HM-3 (Fremont): *Reference pages 3.3-2 and 3 of the Draft EIR. The local enforcement agency is, primarily, the Environmental Protection Division of the City of Fremont. It is a misnomer to say "The City of Fremont Hazardous Materials Division."*

Response HM-3: Comment noted. Line 5 of the second paragraph on Page 3.3-2 is changed to read "... the local level for the project site include: the Environmental Protection Division of the City of Fremont;".

The first two lines of the fifth paragraph on Page 3.3-3 is changed to read "**Environmental Protection Division of the City of Fremont.** For facilities located within City of Fremont boundaries, the Environmental Protection Division of the City of Fremont (City) is the ..."

Comment HM-4 (Fremont): Reference pages 3.3-2 and 3 of the Draft EIR. The City does not issue business plans. The City does review business plans submitted by regulated facilities and issue Hazardous Material Permits for approved sites. This extends beyond enforcement of underground tank regulations. (B&S)

Response HM-4: Comment noted. The second sentence in the fifth paragraph on page 3.3-3 which reads:

The City issues business plans, which are required by state law, submitted by facilities that use or store hazardous materials above a certain quantity.

is changed to read

The City reviews business plans, which are required by State Law, submitted by regulated facilities that use or store hazardous materials above a certain quantity and issues Hazardous Material Permits for approved sites.

Comment HM-5 (Fremont): Reference page 3.3-7 of the Draft EIR. Item 13 is misleading. Fremont Wire & Plating is the subject of enforcement action by the City through the Superior Court. Appropriate site closure is required, but has not been adequately addressed. (B&S)

Response HM-5: Comment noted. The status of Site 13 in Table 3.3.1 on Page 3.3.7 is changed to read "Appropriate site closure is required, but has not been adequately addressed."

Comment HM-6 (Fremont): Reference page 3.3-8 of the Draft EIR. For Item 27, free product was identified and a treatment facility is in place. This site is contiguous to one of the proposed BART stations. (B&S)

Response HM-6: Comment noted. The status of Site 27 in Table 3.3.1 on Page 3.3-8 is changed to read "Treatment facility is in place."

Comment HM-7 (Fremont): Reference page 3.3-14 of the Draft EIR. The report should mention the regulated materials associated with the carwash and maintenance/inspection pit. There will be additional construction-related regulated materials (e.g., solvents, welding materials, cleaners, fuels, compressed gases, and hazardous wastes).

Response HM-7: The paragraph under **Impact of Exposure to Hazardous Materials**, on page 3.3-14, is revised as detailed in response HM-1.

Comment HM-8 (Fremont): Reference page 3.3-16 of the Draft EIR. BART, as property owner, may be responsible for investigation and clean-up. There is no indication of an intent to apply "the innocent land owner" exemption. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

Much more than a site-specific health and safety plan will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. The Draft EIR does not document the assumption of no negative impacts, which we believe is incorrect. Implementation of part or all of a site characterization and remediation plan may be required.

The Draft EIR identifies the potential for exposure of citizens and construction workers to contaminated soil and/or groundwater. However, there is no plan to detect possible exposures (3.3-20). A plan for the appropriate sampling and testing of excavated soils and extracted groundwater should be developed. Results would need to be available in a timely manner to allow for implementation of needed protective measures. The use of an on-site certified laboratory could help with this task. (B&S)

Response HM-8: See Response HM-2.

Comment HM-9 (Fremont): Reference page 3.3-18 of the Draft EIR. Fremont Wire & Plating has been ordered to implement an approved Closure Plan. As of this date, this has not been done and the case has been referred to enforcement. (B&S)

Response HM-9: The last sentence in the second paragraph on Page 3.3-18 which reads:

No information regarding site investigations was available for site 11; the City of Fremont has granted closure for site 13 (Figure 3.3-1 and Table 3.3-1).

is changed to read:

No information regarding site investigations was available for site 11; Site 13 has been ordered to implement an approved closure plan, however as of this date, this has not been done and the case has been referred to enforcement (Figure 3.3-1 and Table 3.3-1).

Comment HM-10 (UPRR): Second, in the event of a derailment, cleanup will be very difficult. If hazardous materials are involved, the problem will be multiplied.

Response HM-10: A derailment on one of the railroads adjacent to an Irvington Station would either be in a subway or depressed trench, either of which have more restricted access than currently exists at the station site. Mitigation measures are limited. These problems are not associated with Alternatives 6, 7, 8, 9 and 10.

3.5 COMMENTS AND RESPONSES ON HYDROLOGY

Comment H-1 (Fremont): Reference page 3.4-4 of the Draft EIR. The tule pond, formerly called Tyson's Lagoon, is misleadingly identified as "a natural depression formed along the Hayward Fault." The tule pond referred to in several areas of the Draft EIR is part of a series of interconnected sag ponds directly related to the Hayward Fault. No consideration has been given to the potential negative impacts of the proposal to fill portions of one. Because there are at least two direct connections between the sag ponds and the deeper aquifer (source of our drinking water), this is a serious consideration. Such impacts, as well as flood control, storm water runoff, maintenance of the specialized riparian environment, and possible geologic instability should be addressed.

The California Regional Water Quality Control Board (RWQCB) sampled the largest tule pond in May 1988 as part of a background study. Up to 26,000 parts per billion (ppb) of Total Fuel Hydrocarbons were identified. This level of contamination is consistent with those generally attributed to the effects of non-point discharge.

A study of this important issue was undertaken by Patrick L. Williams of Lawrence Berkeley Laboratory which includes the identification of an abandoned well (45/1W-28601) in the largest tule pond.

Response H-1: The portions of the tule pond potentially impacted by the proposed project are currently integrated into the area's stormwater collection system and, therefore, receive potentially contaminated urban runoff. Implementation of the project would not include a change in this use.

A "natural depression formed along the Hayward Fault" is a descriptive phrase for a "Sag Pond" as used in the geology section of the Draft EIR. The Hydrology setting section, on page 3.4-4 describes the functional role of the north and south tule pond for storing and draining storm water runoff from the Pond's 672-acre drainage area. The potential negative impacts of filling a portion of the South tule pond is specifically described in Hydrology impacts on page 3.4-10. The biological importance of the Tule ponds area described in the Ecosystems section related to open water habitats (page 3.5-10), wildlife (page 3.5-11) and emergent wetlands (page 3.5-12). Mitigation for ecosystems impacts at the tule pond is described on pages 3.5-25 and 3.5-26. The issues related to the potential geologic instability in the vicinity of the tule pond is described on pages 2.3-19 and 2.3-20 (Setting) and page 3.2-25 (Impacts). Mitigation, which includes the proposed embankment across the south tule pond, is described on page 3.2-28.

The filling of a portion of the south tule pond, proposed by the project, would be conducted under the provision of a Section 404 permit issued by the U.S. Army Corps of Engineers. The impacts of the filling of the pond on surface and subsurface water quality would be mitigated by the permit requirements. The design and construction of the wetlands replacement area would be regulated by the provisions of the Section 404 permit.

Comment H-2 (Fremont): Reference page 3.4-4 of the Draft EIR. Wetlands will likely have to be replaced on a higher than one-for-one basis, both for any losses related to Lake Elizabeth and for areas in the sag ponds which are negatively impacted by construction. This replacement must be of the same quality. The Draft EIR seems to imply that merely digging a nearby hole would be adequate. This is not the case. Development must proceed in such a way as to avoid augmenting contamination at and beneath the area. Storm water runoff could be channeled directly to the "B Line."

Response H-2: The Draft EIR on page 3.5-24 describes mitigations for vegetation replanting in Lake Elizabeth following any vegetation loss during the construction period. See Response SU-12 for a discussion on wetlands replacement. See also Response H-1.

Comment H-3 (Fremont): Reference page 3.4-4 of the Draft EIR. The tule pond is used as a surge pond for the area's stormwater collection system. Use of drain wells should not be allowed. (B&S)

Response H-3: See Response PD-7.

Comment H-4 (Fremont): Reference page 3.4-5 of the Draft EIR. Staff is concerned with the potential flooding due to inadequate sizing of the culverts for the major storm drain line storm drain lines that runs under the UPRR and SPTCo. tracks that will be utilized for the at-grade BART extension. Will improvements on the existing culvert facilities be made? Mitigations recommended in page 3.4-13 appear ineffective and inadequate. "Pervious" pavements are not an acceptable method for storm drainage. (PW)

Response H-4: As stated on page 3.4-12 of the Draft EIR, the BART Extension Program Design Criteria Manual requires that all drainage lines crossing BART system at-grade track beds be designed to pass the peak runoff for a 100-year storm event. The improvements to the culverts would be made by means of a cooperative drainage program negotiated between BART, the Alameda County Flood Control and Water Conservation District (ACFCWCD), and the City of Fremont Public Works Department.

Comment H-5 (Fremont): Reference page 3.4-13 of the Draft EIR. New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerials and other impervious cover may add a significant and unacceptable burden to the City. The draft EIR does not address this issue. (B&S)

Response H-5: The mitigation of water quality degradation associated with pollutants in urban runoff, presented on pages 3.4-14 and 3.4-15 addresses the current and expected requirements of the National Pollutant Discharge Elimination System program for non-point source urban runoff. BART will meet the requirements currently being developed by the ACFCWCD, and recognizes that a variety of "best management practices" may be required of ACFCWCD and BART under the terms of the ACFCWCD NPDES permit. These are described under mitigations on pages 2.4-14 through 3.4-16 of the Draft EIR.

Comment H-6 (Fremont): Reference page 3.4-18 of the Draft EIR. Localized groundwater pumping for a subway at Lake Elizabeth is unlikely to impact deep aquifer production wells. The capture zone of such dewatering activities can be easily controlled. (B&S)

Response H-6: Comment noted.

Comment H-7 (Fremont): Reference page 3.7-14 of the Draft EIR. Mission Creek water quality is significantly worse than Lake Elizabeth. Mission Creek water should not be diverted into Lake Elizabeth except for storm retention purposes. Diversion would further impact contact recreation activity (boardsailing). (LS)

Response H-7: Construction activity is not anticipated to redirect Mission Creek water into Lake Elizabeth. The Draft EIR is only trying to make clear that during construction provisions for handling water runoff would need to be provided.

Comment H-8 (Podell): What volume of water retention replacement in cubic yards does BART have to provide to the Alameda County Flood Control District for the Warm Springs Extension?

Response H-8: If any volume of water retention area is used for project purposes, the volume will be replaced so that there will be no loss in volume. More detailed engineering will be done to define exact measurements.

Comment H-9 (Podell): Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the north side of Walnut, on the BART parking lots, rather than disrupt our project and buy expensive high density multi-family housing land. Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the undeveloped land surrounding it on the north side of Walnut.

Response H-9: Possible expansion of the tule pond adjacent to the Fremont BART station was discussed with the Alameda County Flood Control District who informally indicated this was not an acceptable option. See also response H-8.

Comment H-10 (ACTA): In addition to considering the planned I-880 work as an alternative, it is our view that certain described impacts are speculative. In particular, comments about localized

flooding and erosion due to construction (section 3.4.3) are issues we will address during design development and active construction of the I-880 widening project.

Response H-10: Alternative 3 includes other highway improvements in addition to the I-880 project. It is possible that some of them could result in some flooding or erosion impacts. These potential impacts would be evaluated in project level environmental documents to be drafted by the implementing agencies.

3.6 COMMENTS AND RESPONSES ON ECOSYSTEMS

Comment EC-1 (Fremont): Reference page 3.4-10 of the Draft EIR. The plan to enlarge the south end of one of the tule ponds to "makeup" for filling part of the northern end refers to the loss of riparian habitat and the necessary concurrence by the Corps of Engineers and the California Department of Fish and Game. This is a serious issue and must be adequately addressed. (B&S)

Response EC-1: The impacts and mitigation related to the loss of stormwater storage capacity from filling a portion of the South tule pond is described on page 3.4-10 of the Draft EIR. The impacts and mitigation for the loss of emergent seasonal wetlands that would result from this same construction activity are described on pages 3.5-22 and 3.5-26. As noted in the Draft EIR, BART's concept for the replacement of lost storage includes excavation to expand the south pond westward. This plan has been reviewed by the ACFCWCD which has agreed to work with BART on the implementation details. The habitat loss associated with filling a portion of the South tule pond would be addressed by establishing a similar hydrological regime in the enlarged portion of the pond and replanting the wetland vegetation lost from filling a portion of the pond. It should be noted that all of this mitigation work will be performed under terms of a Section 404 permit (Corps of Engineers) and would require review by the California Department of Fish and Game.

Comment EC-2 (Fremont): Reference page 3.5-8 of the Draft EIR. City staff have personally observed deer (not listed), striped skunk, raccoon and opossum in the proposed route area. (B&S)

Response EC-2: Comment noted. Table 3.5-1 is corrected to add Mule deer.

Comment EC-3 (Fremont): Reference page 3.5-10, 11 of the Draft EIR. See Comment No. 1 under "Hydrology" above. (B&S)

Response EC-3: See responses to comments H-1, H-2 and PD-7.

Comment EC-4 (Fremont): Reference page 3.5-15 of the Draft EIR. Cooper's Hawks are common to Stiver's Lagoon and probably nest there. This is an exceedingly secretive predatory bird. (LS)

Response EC-4: Cooper's hawks are found on the project area as stated on pages 3.5-2 and 3.5-15. The impacts to Cooper's hawks from the proposed project alignment through the riparian forest were discussed and found to be significant. The City of Fremont Department of Leisure Services suggests that "Cooper's hawks are common to Stiver's Lagoon and probably nest there." While there is no conclusive evidence to support nesting by Cooper's hawks in the riparian habitat, the possibility raises concern about noise and BART train movement through this small remnant riparian forest. This is discussed further in response N-2, which indicates that further investigation conducted during preparation of the Final EIR substantiates the Draft EIR conclusion that operating impacts from frequent train passage could deter Cooper's Hawks from roosting in adjacent riparian areas (Draft EIR page 3.5-19).

Comment EC-5 (Fremont): Reference pages 3.5-18 of the Draft EIR. Under the section on impacts related to the Riparian Forest, there is a discussion which emphasizes the design of the aerial structure will minimize loss of riparian forest area and displacement of this habitat area by the support structures. It is therefore concluded that this loss would be considered less than significant. However, this conclusion does not take into consideration the fact birds and wildlife will avoid the rail corridor after construction because of the noise of the trains, and, therefore, the movement pattern and location of wildlife habitat areas will substantially change in the area devoted to the rail corridor. (CDD)

Response EC-5: The second paragraph on page 3.5-19 of the Draft EIR states:

Operating impacts from increased noise from frequent train passage could deter species such as Cooper's hawks, black-shouldered kites, and northern harriers from roosting in the trees. Noise could also deter migratory birds from resting and foraging in the riparian forest. These are considered significant impacts given the rarity of this habitat.

This issue is also discussed in the noise section on page 3.13-23 and in response N-1. The Draft EIR section states that available literature on noise and wildlife indicates that loud impulsive noises will scare animals and possibly disrupt breeding while loud unvarying noise can mask communication between animals, disrupting some activities. Considering the characteristics of BART noise (and not the rarity of riparian habitat) the noise section concludes that the impact of BART noise on wildlife, if any, would be minor and temporary. However, further research conducted for the preparation of response N-2 indicated a potential for impacts on Cooper's Hawks should any nest in the riparian area.

Comment EC-6 (Fremont): Reference page 3.5-23 of the Draft EIR. Tri-colored Blackbird is regular daily visitor in Central Park in small numbers in summer. Currently it is unknown if they nest in Central Park. (LS)

Response EC-6: As stated in Table 3.5-1 and on pages 3.5-11 and 3.5-14 of the Draft EIR, Tri-colored blackbirds were once found in large numbers in the natural marsh before it was

flooded and changed into Lake Elizabeth and occasional individuals may visit the lake. On page 3.5-23, it was stated that, if present, draining the small arm of the Lake would temporarily impact these birds. However, as stated on page 3.5-11, these birds normally nest in large colonies, and it is unlikely that they have nested on the Lake without being noticed. They have, however, nested in the area outside the project area in recent years as discussed on page 3.5-11.

Comment EC-7 (Fremont): Reference page 3.5-24 of the Draft EIR. Curtailing tilling to preserve Ground Squirrel and Burrowing Owl colonies will present some conflict for weed abatement regulations and will impact higher costs for repeated mowing. Uncontrolled tall plant growth apparently discourages and displaces both species populations. Encouragement of Ground Squirrel colonies would create maintenance impact where the colonies might abut developed turf or structures. (LS)

Response EC-7: The City of Fremont Department of Leisure Services states that (1) ground squirrels may cause damage to playing fields and structures; (2) curtailing tilling to enhance burrowing owl habitat conflicts with weed abatement; and (3) uncontrolled plant growth apparently discourages and displaces both species (ground squirrels and burrowing owls).

Burrowing owls may depend on ground squirrel burrows for nest sites, and their breeding populations may be limited by suitable burrows (Coulumbe, Condor (73):162-176, 1971). Hence, encouraging ground squirrel populations, at least in some areas of Central Park, is an essential component of burrowing owl conservation. (1) Ground squirrel control is certainly necessary where their activity threatens the integrity of buildings or playing fields. (2) Although curtailing tilling may conflict with weed abatement, a diversity of habitat types, specifically tall grass-forb vegetation intermixed with short-grass areas, provides preferred burrowing owl habitat. (3) Whereas short-grass areas provide preferred nesting habitat (Zarn, BLM, 1974), tall grass-forb habitats provide preferred foraging habitat (Haug and Oliphant, J. Wild. Manag. 54:27-35, 1990). Although not under BART's control, curtailing tilling in portions of the Central Park grassland as a mitigation measures by the City of Fremont would help provide areas of high ground squirrel abundance (and hence abundant nesting burrows for owls) and preferred burrowing owl habitats.

Comment EC-8 (Fremont): Reference page 3.5-25 of the Draft EIR. This section states the loss of habitat quality for migratory birds due to noise from train passage through the forested area may be mitigated to a less than significant level by sound walls. How would sound walls mitigate the noise immediately above the corridors? Birds would still avoid that area above and adjacent to the train corridor where the highest level of noise and vibration occur. Birds and wildlife may approach closer to a corridor with sound walls than one without walls; however, there would still remain an overall loss of habitat quality and quantity which would not occur with implementation of one of the subway design options. (CDD)

Response EC-8: Sound walls would be effective mitigation because they would reduce the noise levels in the adjacent riparian forest habitat. The impact would occur because 1) without mitigation, the noise would reduce the quality of this habitat as a roosting place for certain shy species and 2) this is a rare habitat type and there would be limited opportunities for noise-sensitive species to relocate themselves.

It is correct that the subway design options would avoid the potential noise impacts on animals. However, Design Option 1 would make a wider swath through the riparian forest, taking out more trees and further reducing its value for a number of years until the tree cover returns.

***Comment EC-9 (Fremont):** Reference page 3.5-26 of the Draft EIR. Under the section on Rare, Threatened, and Endangered Species and Species of Special Concern, a mitigation monitoring program is mentioned. What agency would be responsible for monitoring the implementation of mitigation measures? To whom would BART be reporting implementation of project mitigation measures? (CDD)*

Response EC-9: The California Environmental Quality Act (Section 21081.6) requires that the lead agency adopt a reporting or monitoring program to ensure compliance during project implementation. As lead agency, BART is responsible for implementing the mitigation measures. Section 21081.6 states reporting or monitoring is required. However, the BART program includes both monitoring and reporting. BART will monitor the mitigation measures and report results to the BART Board of Directors on a quarterly basis.

***Comment EC-10 (Fremont):** This is the first time the City has heard of installing taller power line supports in or adjacent to Stiver's Lagoon. What is the construction impact on Stiver's Lagoon habitat from tower development? (LS)*

Response EC-10: If taller power line supports are necessary as suggested on page 3.8-20, only the towers closest to and on either side of the track alignment would need to be replaced. This would include towers on the east side of the UPRR and immediately to the east of the SPTCo tracks. These towers are in ruderal-forb grassland and not in known burrowing owl use areas. Hence, their replacement with larger towers would not pose significant construction or operation impacts.

***Comment EC-11 (Podell):** What is the area in square feet that BART has to provide for wetlands replacement? What is the area in square feet that you have identified on our property as wetlands replacement? What portion of the area you have identified on our site as wetlands replacement is for Flood Control District water retention replacement. What portion of the same area is for wetlands replacement.*

Response EC-11: See Response EC-1. Any wetlands development as a result of the project will be replaced on at least a one-for-one basis. There will be no net loss of designated wetlands. Following the decision of the BART Board as to the specific project to be

undertaken, detailed engineering on the selected alternative will answer the question raised in this comment. The Draft EIR is based on conceptual engineering for all alternatives.

Comment EC-12 (PH-Hoch): *I also have for you some additions to the bird list and one correction on it which I'll give you in a few minutes. Additions to Table 3.5-1 of 7/91 Draft EIR. These are birds seen by Alice Hoch in the area of the proposed BART extension (from the present Fremont BART station to South Fremont), birds which are not already listed on 3.5-1. I have not included rare birds which I have seen there. "X" in front of name denotes additions. Northern Shrike is an error. It should be Loggerhead Shrike.*

Response EC-12: Table 3.5-1 is amended to include Horned grebe (*Podiceps auritus*), Eared grebe (*P. nigricollis*), Clark's grebe (*Aechmophorus clarkii*), white pelican (*pelecanus erythrorhynchos*), Chestnut-backed chickadee (*Parus rufescens*), Loggerhead shrike (*Lanuis ludovicianus*) (replaces Northern shrike), Northern oriole (*Icterus galbula*), Black-headed grosbeak (*Pheucticus melanocephalus*), and House sparrow (*Passer domesticus*).

The American white pelican is a CDFG Species of Special Concern. White pelicans have been observed during the nonbreeding season on Lake Elizabeth (Alice Hoch, Ohlone Audubon Society). Once a common breeder on large lakes in California, destruction of nesting islands and breeding habitats have resulted in widespread population declines. Adverse impacts from draining a small arm of Lake Elizabeth would be temporary and not significant.

3.7 COMMENTS AND RESPONSES ON LAND USE AND ECONOMIC ACTIVITY

Comment LU-1 (Fremont): *Potential Displacement: The proposed project will impact 83 businesses and 17 residences. While all these businesses and residents ultimately may not have to be relocated, they will all be concerned about how they will be affected by the extension. The City Council requests BART contact all affected parties once the project alignment is selected to provide information on anticipated impacts and available assistance.*

Response LU-1: Once the project alignment is selected and the Final Environmental Impact Report is certified by the BART Board of Directors, BART will begin a program of acquisition meetings. All affected parties will be invited to attend the meetings at which time BART staff and BART's relocation consultants will be available to discuss individual concerns about the acquisition and relocation processes. BART's relocation and acquisition brochures entitled "When BART acquires your Property," "Residential Relocation" and "Business Relocation" will also be distributed. BART will follow all the requirements of the "California Uniform Relocation Assistance and Real Properties Acquisition Policies Act" as to the acquisition property and relocation of affected parties.

Comment LU-2 (Fremont): *Reference page 3.6-13 of the Draft EIR. In the discussion on the land use designations under the Warm Springs Station section, it should be noted that the BART*

station is in an area designated a Study Area by the Fremont General Plan which extends from South Grimmer Boulevard to Brown Road. The City or any other party may initiate a study for a potential change in land use in this area. (CDD)

Response LU-2: A new, fourth, sentence is hereby added to the 3rd full paragraph on page 3.6-13, following the phrase "...inclusive land use category":

The area extending south of Grimmer Boulevard to Brown Road is designated a study area in the General Plan. The City or any other party could initiate a study for a potential change in land use in this area.

Comment LU-3 (Fremont): Reference page 3.6-18 of the Draft EIR. The last sentence on the page under Potential for Growth is incorrect. No proposal or study is currently being considered to change land use designations around the proposed Irvington BART station. (CDD)

Response LU-3: The last sentence on page 3.6-18 is hereby deleted.

Comment LU-4 (Fremont): Reference page 3.6-22 of the Draft EIR. The last paragraph on the page mentions a Warm Springs BART Area Specific Plan. Since Shapell has withdrawn its study for potential land use change, no specific plan is proposed at this time. The area is more correctly called a Study Area on the General Plan, and no land use change is being assessed at this time. However, other land uses could be evaluated for the area in the future, as discussed above. Additionally, it should be clarified that the NUMMI plant is not the only industrial use in that area which could limit the potential for residential land use. (CDD)

Response LU-4: The last two sentences of the last paragraph on page 3.6-22 which read:

Although Shapell has withdrawn its request, this area is still being assessed to determine whether a viable residential community can be created. A major constraint would be the nearby NUMMI plant, which has expressed concern that residential land use would be incompatible with the operation of an automobile manufacturing plant.

are revised to read:

Although Shapell has withdrawn its request for a General Plan amendment, the General Plan identifies the area generally bounded by South Grimmer Boulevard, I-680, Mission Boulevard/Brown Road and the railroad corridor as a Study Area for a potential change of land use. Any party could initiate a land use study of the area, although no change is being assessed at present. Existing industrial operations in the area, including NUMMI, have expressed concerns about changing land use designations adjacent to industrial operations to allow residential development.

Comment LU-5 (Fremont): Reference page 3.6-30 of the Draft EIR. Under Neighborhood Planning Goals, the first sentence describes particular designations on the General Plan as "specific plan areas." These are more correctly termed potential plan areas. Additionally, a reference is made to a study commissioned by the City regarding residential land use in the Warm Springs BART station area. A preliminary study was initiated by Shapell Industries and later withdrawn prior to completion and approval. The area is now designated a Study Area, although no land use change is presently being considered. (CDD)

Response LU-5: The phrase "specific plan" in the first and last lines of the bottom paragraph on page 3.6-30 is hereby changed to "study plan."

See, also Responses LU-2 and LU-4.

Comment LU-6 (Fremont): Reference page 3.6-31 of the Draft EIR. The reference made to the Irvington BART Station Concept Plan is incorrect. What was actually adopted in March 1990 were approved plans and specifications for street widening in the Irvington area, with final designs for plazas and central places. However, design and street improvements related to the BART station were to be considered at a later date, when plans were available, to ensure that the BART station design fits into the community and neighborhood. The footnote at the bottom of the page should also be revised. (CDD)

Response LU-6: The second full paragraph on page 3.6-31 which reads:

The development of a BART station in Irvington is very important to the redevelopment potential of this area. To this end, the Irvington BART Station Concept Plan was created and adopted in March 1990. The plan addresses issues of land use, urban design, site design and circulation associated with the development of an Irvington BART Station. It is fairly specific and addresses issues such as parcels available for new development and recommended land uses for them, orientation of the station structure, and circulation for pedestrians and automobiles between the station and the surrounding areas.

is replaced with the following:

The development of a BART station in Irvington is very important to the redevelopment of this area. Recent plans for redevelopment actions in the area have been approved with flexibility for future integration of the proposed Irvington Station. In March 1990, plans and specifications for street widening in the Irvington area, with final designs for plazas and central places were approved. However, design and street improvements related to the BART Station were to be considered at later date, when plans were available, to ensure that the BART station design fits into the community and neighborhood.

Footnote 2, page 3.6-31 is hereby deleted.

Comment LU-7 (Fremont): Reference page 3.6-36 of the Draft EIR. The discussion on this page related to BART station areas, site planning and architecture is very limited, and should be expanded. The discussion related to the need for station design to address the issue of negative land use impacts caused by traffic congestion is appropriate. (CDD)

Response LU-7: The analysis of station land use impacts is commensurate with the detail of the project description and the station design concepts presented in the Draft EIR in Figures 2-4 and 2-10 for Irvington Station, Figures 2-5 and 2-15 for the Warm Springs Station and Figures 2-6 and 2-16 for the South Warm Springs Station. The criteria defining potentially significant land use impacts and the analysis of potential impacts on pages 3.6-35 and 3.6-36 of the Draft EIR, are appropriate to the information presently available regarding station design.

It should be noted that detailed station design would be undertaken once the BART Board adopts a project and that the City of Fremont will be given design review and comment opportunities at various stages of the design process.

Comment LU-8 (Fremont): Reference page 3.6-38 of the Draft EIR. Under the section on Station Area Real Estate, regarding the discussion on the presence of a station and the minimal affect on real estate trends, this may be true in the long-term, but station development could constrain and adversely affect investment in real estate in the area in the short-term during periods of construction.

Response LU-8: Construction impacts on a specific area or property are usually localized and of very short duration. Investment in real estate generally responds to longer term market conditions including such things as proximity to the station in anticipation of the opening of revenue service. BART recognizes that station construction may be disruptive to surrounding residential and commercial activities as discussed on page 3.6-43 of the Draft EIR under Neighborhood Construction Impacts, appropriate mitigations are suggested to minimize disruption in the area.

Comment LU-9 (Fremont): Reference page 3.6-38 of the Draft EIR. Additionally, neighborhood goals could be positively or adversely affected depending on the design and architecture of the resulting stations. The site design and architecture of the BART stations should fit into the community and neighborhood, and not be of a standard, generic type. (CDD)

Response LU-9: BART proposes to develop their design and architectural treatment at each station with sensitivity to the surrounding community. It is not intended that new stations will be "generic" but rather reflect positive urban design elements and architectural treatments compatible with the station environs.

Comment LU-10 (Fremont): Reference page 3.6-12 of the Draft EIR. Under Neighborhood Impacts, it is stated the Proposed Project would impact neighborhood areas minimally since most of the BART alignment would be located on or adjacent to an existing railroad ROW. It cannot be assumed BART will minimally impact a particular neighborhood until a site plan and station design are developed. Station design will be an important consideration in determining whether or not there are such impacts on the community. (CDD)

Response LU-10: The Draft EIR discusses in the appropriate sections of the document, visual, transportation, and displacement, impacts related to neighborhoods. The functioning of the neighborhood in proximity to a station is already influenced by the pre-existing railroad corridor. The station design as noted in response to the previous comment is intended to be sensitive to the surrounding community. Within the context relative to the functioning of the neighborhood the Draft EIR is correct in its assessment that BART will minimally impact neighborhood areas.

Comment LU-11 (Fremont): Reference page 3.6-43 of the Draft EIR. Under Neighborhood Mitigation Measures, the second item listed related to construction traffic control criteria should include the City as an agency to be consulted in addition to local business associations prior to construction being undertaken by BART. (CDD)

Response LU-11: Page 3.6-43, the second item listed under Neighborhood Mitigation Measures is changed to read: "Construction traffic control criteria should be developed in consultation with the City of Fremont and local business associations before any construction activity is undertaken by BART. A traffic control plan could be prepared in accordance with these criteria."

Comment LU-12 (Queen): LAND USE CHANGES: It appears that BART's policy is consistent with that of the Association of Bay Area Governments Commission (ABAG), the Metropolitan Transportation Commission, and the Bay Vision 2020 Commission to convert industrial space, to high-density housing or high-density commercial space. Doing so, causes the replacement of well-paid skilled jobs with minimum-wage unskilled jobs resulting in public deficits in the form of unrealized housing subsidies (currently valued at \$152.5 million in San Francisco), See document presented to the "Embarcadero Plaza Citizen Advisory Committee," March 26,1991, (ref #13).

Response LU-12: The future land use patterns assumed for the preparation of this EIR are those shown in the Fremont General Plan.

Comment LU-13 (Queen): International Trade: It is my position that local officials are using the ploy of developing major projects under the guise of non-existent public benefits to allow rezoning of waterfront and industrial land in order to circumvent federal law regarding ocean commerce and the abandonment of rail freight services (see ref #22). Doing so is indefensible considering the fact that many experts including consultants to MTC have indicated that international trade, particularly in ocean commerce, will quadruple. It has long been my argument that pursuing ocean commerce

and freight transportation will create well-paying jobs for substantial numbers of Bay Area residents (see ref #3). The "best use" of land must be protected and fully addressed in this EIR.

Response LU-13: The Warm Springs Extension has no connection with international trade and does not require abandonment of rail freight services.

Comment LU-14 (Queen): LAND USE: SBDC's previous reports show that tourism (food service, retail, etc) essentially generates minimum wage jobs which then creates demands on taxpayers to provide public subsidies in the form of housing, health services, et cetera (see ref #13). The Bay Area must make best use of its industrial and waterfront properties. Converting them to retail, housing and commercial is essentially cutting our own throats.

Response LU-14: Since there are many locations in the Bay Area where concentrations of jobs are remote from concentrations of housing, it makes good sense to convert some of the unused industrial land to residential land, in order to help achieve a better job/housing balance.

Comment LU-15 (Queen): Page 1-7, para 1: "Because the increase in employment (in Alameda County) will exceed the number of new households (built in Alameda County), areawide commuters will require greater access to employment centers in southern Alameda County."

Fatal Flaw: A housing-to-jobs ratio of at least 1:1 must be planned. Otherwise NEW residents will be forced to commute to work, possibly over long distances and at considerable cost considering that the non-auto transportation facilities (bus, rail, etc.) will not be in place.

Response LU-15: The sentence quoted in the comment indicates that employment growth is expected to exceed housing growth in southern Alameda County. Since there are more employed residents than there are jobs in Fremont, the greater increase in employment growth will, in fact, decrease the imbalance between employment demand and available employment in Fremont. In other words, the housing to jobs ratio is expected to get closer to the 1-to-1 balance desired by the commentor.

Comment LU-16 (Queen): Page 3.6-1, box "Notes on Population Estimates": FATAL FLAW. This EIR should have waited until the 1990 census figures were available. To do otherwise essentially misrepresents the data conveyed throughout the whole EIR. This EIR must be updated to reflect the 1990 census figures.

Response LU-16: We do not agree. At this time, complete 1990 census data are not yet available. Some variables, such as population and number of households, are now available (but were not available at the time this draft was prepared). Other variables, such as household income, will not be available until 1992. We compared the 1990 estimated population that was used in this EIR to the 1990 population figure that is now available from the U.S. Census and discovered that the difference was very small. The actual census number was four percent lower

than the estimated population figure used in the EIR. This small difference cannot be interpreted to constitute a fatal flaw in the analysis.

Comment LU-17 (Queen): *Page 3.6-6, Table 2.6-4: The following categories must be added to the table: Average Worker Per Household; Net Commute In/Out; Average Cost Per Passenger, Per Mile by weekday totals, weekend totals, and yearly totals. "Mean Household Income in Constant 1988 Dollars" must be replaced with "Mean Household Income." The difference is substantial. The currently displayed figure of \$35,609 would be replaced with \$21,780 for 1980 and the figure of \$45,100 would be replaced with \$27,734 for the year 2000.*

Response LU-17: The data presented in Table 3.6-4 is appropriate for the Land Use and Economic Activity section. Displaying the mean household income in constant dollars permits an accurate view of the actual change.

Comment LU-18 (Queen): *Page 3.6-45, Table 3.6-11 and Pages C-1 through C-12, Potential Displacements: These tables must be updated to display the number of employees (business) and residents (housing) that are being displaced. This section must also discuss the "Relocation Mitigation Measures" in terms that are specific and easily understood, i.e., a table by parcel showing relocation efforts necessary and estimated costs.*

Response LU-18: The level of detail found in the Draft EIR is sufficient to identify the effects of the proposed project and the alternatives. No persons or businesses will be required to move until the relocation procedures have been completed. Response LU-1 describes the process BART will follow for property acquisition and relocation of affected parties.

Comment LU-19 (Lum): *The other issue that was not addressed is the fact that the value of our home will be severely affected and will be very difficult if not impossible to sell during the construction phase and after that. How will BART compensate for this?*

Response LU-19: The question of impacts of the BART extension on property values is not addressed in the EIR since there is no clear indication of what effect there would be on values. The determination of property values is caused by many factors. Consequently, it is not possible to examine a single factor (e.g. the BART extension) and determine, in advance of the project, what will be the change in property values due solely to that factor.

Comment LU-20 (PH-Hirsch): *The Irvington Station will be the last component of the redevelopment of Irvington which I'm sure most of the people here are familiar with, where we actually widen the streets and improve the existing surrounding area. This will allow us to make the BART station area into a major transportation center and for a lot of senior people that live in the area that don't have other transportation alternatives, this will work out extremely well for them and will also allow for the completion of the circulation in the area.*

Response LU-20: Assuming the selection of a project including an Irvington Station, station frontage on both Washington and Osgood will be improved including street widening as appropriate. Additionally, AC Transit proposes to make the Irvington Station a key transfer point which is included in the BART station design concept.

Comment LU-21 (PH-Queen): *Now, there's another section that's called 15131. And essentially it reads:*

Social economic impacts...

Of which you don't see a darn thing bit in this EIR, do you? Not a thing. Nothing about costs to speak of, nothing about social economic impacts. But anyway:

Social economic impacts shall be considered when a change of cause and effect to actual physical changes can be demonstrated.

Well, I can demonstrate that this project, the way it's going to be designed, is going to substantially increase density of population. The thing you've got to keep in the back of your head is density.

Secondly, that's going to impact traffic. Thirdly, that's going to impact air quality. And finally, that's going to impact our children.

Response LU-21: Section 15131 of the CEQA Guidelines indicate that economic or social information may be included in an EIR or may be presented in other manners if the Lead Agency so desires. The section also states that:

(a) Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes resulting in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

Section 3.6 of the Draft EIR addresses **Land Use and Economic Activity**. The impacts section, beginning on page 3.6-31, addresses the potential for redistribution of regional population growth, employment impacts, the potential impacts on land use and real estate development and the potential impacts on municipal revenues, neighborhoods and displacement. As the commentor speculates, the EIR analysis indicates that increased population densities may occur at locations along the project corridor. These changes would be consistent with the Fremont General Plan.

The data used in the projections of traffic and air quality impacts contained in the EIR is based on land use projections that assume changes in population and employment density throughout the study area that are consistent with the newly adopted *Fremont General Plan*. The traffic and air quality analysis for all of the Alternatives is presented for 1998 and for 2010. For both target years a growth in traffic volume was assumed based on estimates of the rate and amount of new development in the City, as guided by the General Plan.

3.8 COMMENTS AND RESPONSES ON FREMONT CENTRAL PARK

Comment CP-1 (Fremont): *Subway Option through Central Park: Central Park is a unique and very special resource. The Park is just as important to Fremont and Southern Alameda County as Golden Gate Park is to San Francisco, and it should receive the same sensitive treatment a BART extension through Golden Gate Park would receive. The extension must go under Central Park and Lake Elizabeth in a subway configuration at BART's expense. This a firm and absolute requirement of the City of Fremont (well supported, we believe, by State law). The City will pursue all means necessary to ensure this requirement is met.*

The Draft EIR outlines seven goals and objectives of the Proposed Project (pages 1-8 to 1-10). The Proposed Project incorporating the aerial option through Central Park would not meet three of the seven goals and accompanying objectives. These goals are as follows:

- **"Goal 2 - Improve Environmental Quality.** *Transportation improvements should increase accessibility and efficiency while minimizing adverse environmental effects."*

The Proposed Project may meet the increased accessibility and efficiency goal, and help to improve air quality, but it would not meet the objectives of minimizing the impacts on existing development and existing natural resources.

- **"Goal 3 - Compatibility with Adjacent Land Uses and Planned Development.** *Transportation improvements should be compatible with adjacent land uses and should be consistent with planned regional development."*

The Proposed Project would displace and disrupt existing land uses in Central Park and result in significant adverse environmental impacts.

- **"Goal 7- Support Community and Institutional Goals.** *The transportation system planning process should maximize community acceptance and political and institutional support."*

The Proposed Project would not be consistent with local goals and objectives included in the Fremont General Plan and would not be acceptable to the City if it includes an aerial structure in Central Park.

The Draft EIR clearly demonstrates the need to build BART as a subway through Central Park to avoid significant adverse environmental impacts. The Draft EIR concludes a BART aerial option will have significant, unavoidable adverse land use impacts on the park, especially sailboats, and the recreational value of the northeasterly portion of the lake.

The aerial option also has negative visual and noise impacts on this portion of the park and does not conform with the City of Fremont General Plan. In addition, the aerial option for the proposed project alignment would have significant, unavoidable impacts on the valuable wildlife habitat in the riparian forest east of Lake Elizabeth and is, therefore, unacceptable. These significant impacts must be mitigated by the selection of a subway option on either the proposed project design option 1 (subway) alignment or design option 2S (subway) alignment.

Response CP-1: The City's strong preference for a subway Design Option (1 or 2S) is noted and acknowledged.

In the introductory paragraph to the Goals and Objectives on page 1-8, it is stated that the Goals and Objectives form a "broad overall framework...for the assessment and evaluation of Alternatives." The Goals and Objectives cannot be read as rigid rules, nor can they be treated as independent and unrelated. Inevitably, decisionmakers must weigh competing goals and make difficult choices among valid objectives in approving large and complex projects such as the Warm Springs Extension. Although the Proposed Project would have certain environmental benefits (Goal 2), would be compatible with adjacent land uses and planned development in most locations (Goal 3), and would support a number of important community and institutional goals (Goal 7), the aerial alignment would not be as effective in achieving these goals and objectives in the Central Park area as would the subway options. However, the subway options are much more costly and may fall short of achieving Goals 4 and 5:

- **Goal 4.** Provide Transportation Services That Make Efficient and Effective Use of Financial Resources.
- **Goal 5.** Provide Transportation Services Which are Financially Attainable.

With respect to Goal 2, the environmental quality goal, it is important to note that it is highly unlikely that a project of the magnitude of the Warm Springs Extension could be designed so as to eliminate all environmental impacts. As required by CEQA, and in conformance with the BART's Objectives for the project, mitigation measures are proposed throughout the EIR. The mitigation measures would reduce impacts to below a level of significance or, in many cases, eliminate them. Where impacts cannot be eliminated or reduced to below a level of significance through mitigation the EIR specifically identifies the residual impacts. This permits the decision makers and the public to understand the level of impact of each of the possible Alternatives.

From BART's perspective, the Design Options are correctly treated in the EIR as alternatives rather than as mitigation measures. Each of the Design Options in Central Park has

substantially different design features from the others. They vary in length, structural requirements, construction methods and, of course, cost. They also have substantially different environmental effects. By assessing the Design Options as Alternatives, the EIR provides BART's decision makers and the public with complete and detailed information on the full range of environmental impacts associated with each of the Design Options.

Since different Alternatives and Design Options have different effects, some Alternatives may, naturally, avoid adverse environmental effects that others create. It is an oversimplification of the environmental analysis to contend that the subway options must be selected because they "mitigate" the adverse effects of the aerial options. As stated in the Draft EIR, the aerial options have adverse land use and visual effects on Central Park that the subway options do not have. However, the subway options have other potentially adverse impacts that the aerial alignments avoid. Examples include the impacts related to geology, seismicity and hydrology. They also have significantly different construction period impacts than the aerial structures.

Comment CP-2 (Fremont): Reference page 3.4-11 of the Draft EIR. The existing lake bottom is at elevation 44.0, and the low water elevation is at 48.5. High water elevation is at 51.5. The plans indicate the top of the subway structure is about 48.5, yielding a water depth ranging from zero to 3 feet. This is inadequate for boating use of the easterly end of Lake Elizabeth. The top of the subway structure should be no higher than elevation 44.0 in order to permit boating. (PW)

Response CP-2: During detailed design of a subway option (if selected by the BART Board), BART will refine the proposed profile of a subway alignment through the Park and Lake Elizabeth to maintain the same water depth that currently exists within the Lake. The precise elevation of the structure will be determined during the course of preliminary engineering.

Comment CP-3 (Fremont): Reference page 3.7-11 of the Draft EIR. Under State law, BART would be obligated to replace the amount of park land traversed by the corridor through Central Park with actual land elsewhere in the City. If the affected area is 33 acres, as mentioned in the Noise and Vibration chapter as the acreage affected by the residual noise impacts, then BART would be responsible for replacement of a minimum of 33 acres. This should be discussed in the document, and a determination made as to whether such land is actually available for replacement and the estimated cost of the replacement land stated. The cost of the land would then need to be added to the cost of the Proposed Project and the cost of all alternatives incorporating the aerial structure (revise also Tables 2-5 and 2-6). (CDD)

Response CP-3: The Public Park Preservation Act of 1971 (California Public Resources Code, §5400 et. seq.) provides that no agency of the state or public utility shall "acquire...real property...in use as a public park, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both,...to replace the parkland and facilities thereon".

BART understands the requirements of the Act and will provide for compensation under the terms of the Act. This will be done after the BART Board adopts a project for implementation.

Comment CP-4 (Fremont): *Reference page 3.7-11 of the Draft EIR. The Draft EIR states that the aerial structure of the Proposed Project will not significantly reduce the amount of land available within the park for recreational or civic purposes. This may be correct if the only consideration is the amount of acreage traversed by the structure. However, the aerial structure would have a significant adverse effect on recreational activities, the continuity and interrelationship of the park land use, and the overall quality of the recreational experience in the park. The aerial structure proposed would physically bisect the park and the interrelated uses such as walking trails, ball fields and concession areas. It would also result in the removal or relocation of two softball fields, and create a need to change some sailing activities in Lake Elizabeth. (CDD)*

Response CP-4: The Draft EIR's concluding statement regarding the direct impacts on Central Park would appear to be consistent with this comment. It says,

When the aggregate impacts on recreational activities, visual impacts, and noise impacts are considered together with the City's finding that an aerial structure would not conform with the General Plan, it is concluded that the implementation of the Proposed Project on an aerial alignment through Central Park would result in a significant adverse land use impact.

Comment CP-5 (Fremont): *Reference page 3.7-11 of the Draft EIR. Open areas below aerial structure cannot be used for the same recreational activities as before. Park visitors with kites, balls, Frisbees, etc., would be impacted. These activities might disrupt train service. Open areas below tracks would not be useful for the same existing or future purposes. (LS)*

Response CP-5: The potential impacts on recreation in Central Park are well recognized in the Draft EIR. It should be noted, however, that the land beneath the BART aerial structures is very open and that in some communities the right-of-way under the aerial structures has been landscaped and developed as parkland. This can be seen in the Draft EIR, Figure 3.13-2, which illustrates an aerial structure without a noise barrier. Recreational activities regularly observed in the linear park beneath this segment of the aerial structure include walking, jogging, bicycling, rollerskating, skateboarding, picnicking, sunbathing, reading, throwing frisbees, casual baseball and football, dog exercising, golf practice, and napping. Based on the level of use of this linear park, it could be argued that the potential impacts on many park activities are conservatively overstated in the Draft EIR.

Comment CP-6 (Fremont): *Reference page 3.7-12 of the Draft EIR. The passby effect on pedestrians is inadequately valued. Twenty minutes is a very quick pace for the Lake pathway. Serious walking is 30 minutes, casual strolling is 40 minutes. Three hundred foot impact zone is apparently derived from noise standards. Visual impact from line of sight vehicle traffic on*

Stevenson Boulevard is a minimum of 1,400 feet. Using that as a currently acceptable visual disturbance distance, 7,700 feet of the lake edge pathway is within this distance of the proposed aerial structure. With a 30 minute lap, pedestrians would experience nine trains at one minute duration each when they are inside the 1,400 foot envelope. This means 30 percent of their walking experience would be exposed to the visual impact of a moving train. (LS)

Response CP-6: Assuming that walkers take 30 to 40 minutes to circle the lake, (rather than 20 to 30 minutes) they would be within the noise impact zone for 8 to 10 minutes, and could expect to hear two to four (rather than one to three) BART trains pass during that time.

The commentor suggests that it is appropriate to undertake a separate calculation regarding the frequency with which BART trains might be seen by walkers. However, we are unable to verify the calculations presented in the comment. Our calculations indicate that there would be about 5,230 feet of pathway within 1,400 feet of the Proposed Project alignment. Of this length, views of the BART structure would be blocked by the island in Lake Elizabeth for approximately 300 - 400 feet, reducing the amount of pathway within this zone of impact to about 4,930 feet. A person walking the path in a clockwise direction would be in view of the aerial structure for approximately 2,960 feet while a walker traveling counter-clockwise would have a view of the aerial structure for about 1,970 feet. A person walking clockwise would be within this viewing "window" for 9 - 12 minutes of their walk, during which time 4 - 5 trains would pass if it were the peak hour or 2 - 3 trains would pass if it were the off-peak time. (Fewer trains would pass if it were a weekend or holiday.) Since it would take a train 20 to 55 seconds to travel across the 2,000 feet of structure within the frame of view, a train would be visible for a maximum of 4.5 minutes during a 40 minute clockwise walk around the Lake.

It should be noted, however, that the aerial structure would be visible beyond the 1,400 foot impact zone suggested in the comment. The photo from the end of Sailway Drive used in the photo-simulation was taken approximately 2,000 feet from where the aerial structure in the proposed project would cross the Lake. The Draft EIR concludes, in the Visual Section, page 3.8-31, that the aerial structure would have significant residual impacts on the north side of the lake, because of "the sensitivity of views into this area from nearby and more distant areas around the lake."

Comment CP-7 (Fremont): *Reference page 3.7-12 of the Draft EIR. The Draft EIR mentioned most walkers would circle the lake on the walking trail in 20 to 30 minutes. This would be an extremely fast pace. The document also states there would be only a minor to moderate effect on recreational walking in the area, and interference with conversation would only be for 2 to 10 seconds. The impact of this intrusion into the park area is grossly underestimated. The resulting impact would be significant on the quality of the recreational experience. (CDD)*

Response CP-7: The Draft EIR authors did not find a significant adverse effect on recreational walking around Lake Elizabeth because of the minor to moderate level of exposure by individual walkers to the effects of BART. The extensive pedestrian activity on paths provided

along the existing BART alignment, and even beneath aerial structures that lack modern noise barriers, provides support for this conclusion.

It should be noted that, based on their respective Criteria of Significance, the *Central Park: Land Use and Recreation*, *Visual* and *Noise* impacts sections of the Draft EIR have all identified significant adverse effects associated with an aerial structure through the Park.

Comment CP-8 (Fremont): Reference page 3.7-13 of the Draft EIR. Construction storage is proposed for open space between Walnut and Paseo Padre. Much of this open space is within Central Park. Impact analysis should address the presence of storage yard in Central Park. (LS)

Response CP-8: Every effort will be made to identify construction storage areas which will have a minimal impact on ongoing operations of the park and adjacent private property while still providing the contractors with a cost effective location for their operations. Construction staging and storage sites that are in close proximity to the actual construction will be required to minimize the requirement for transporting personnel, materials and supplies over the local road system continuously during the construction of the project. Contractor's site plans will be reviewed by BART and the City of Fremont to control the locations and durations of storage.

Comment CP-9 (Fremont): Reference page 3.7-13 of the Draft EIR. The conclusion that the implementation of the Proposed Project with an aerial alignment through Central Park would result in a significant adverse land use impact is correct. It would also be appropriate to suggest implementation of Design Option 1 or Design Option 2S, with the subway through Central Park as a mitigation measure for the adverse land use impact. (CDD)

Response CP-9: See Response CP-1.

Comment CP-10 (Fremont): Reference page 3.7-14 of the Draft EIR. Explain why Lake edge pedestrian access cannot be completely mitigated throughout construction period. Fencing, earthen alternate routes, and flag controllers could ease the construction impacts. Temporary route alternations (sic) or surface degradation would probably be tolerable. Any significant closure of the lake circumference would substantially impact park visitors. (LS)

Response CP-10: The fourth Mitigation Measure on pages 3.7-14 and 3.7-15 indicates that temporary walking paths around the Lake would be created and maintained throughout the construction period.

Comment CP-11 (Fremont): Reference page 3.7-14 of the Draft EIR. Where in Central Park are temporary and permanent replacement ball fields to be located? Any site further north might present home run or foul ball conflicts with Stevenson Boulevard. Where do we replace displaced parking and maintain convenient access to sports facilities? (LS)

Response CP-11: This is specifically addressed in the first and second mitigation measures on the bottom of page 3.7-14 and the top of page 3.7-15. The first mitigation measure states that, "In advance of construction, BART would relocate and replace the two affected softball fields at another location within the Park to be developed in consultation with the City of Fremont." The mitigation measures go on to note that one potential solution would be to relocate the facility about 200 feet to the north into what is now a parking area and replace the parking along the BART alignment in the area between the existing and relocated ball fields. It also states that if timely replacement is not possible, the BART would work to identify and lease temporary replacement fields at other locations so that league play could continue uninterrupted.

It is recognized that implementing plans for replacement of the softball fields may be difficult, and that it may not be possible to eliminate all potential disruption of the softball programs. It should be noted that if the City's plans for future projects in the Park such as the Golf Course, Swim Center, Police Administration Building have not been built in advance of the BART extension, additional options for siting the replacement ball fields will be available.

Comment CP-12 (Fremont): Reference page 3.7-15 of the Draft EIR. A temporary Lake pathway is a mitigation which must be maintained. (LS)

Response CP-12: See Response CP-10.

Comment CP-13 (Fremont): Reference page 3.7-16 of the Draft EIR. The loss of land for regional transportation purposes does not present the same local value as use of land for recreation or Civic Center purposes. (LS)

Response CP-13: The finding that the Proposed Project would have a significant adverse effect on Central Park does not seem to contradict this statement.

Comment CP-14 (Fremont): Reference page 3.7-16 of the Draft EIR. The statement that the impacts of the structure and train activity on recreational walking, jogging and bicycling around the lake would be reduced to less than significant levels, but not eliminated, is misleading and an incorrect conclusion. The trails may remain intact, but the experience of the participants would be negatively impacted by the physical intrusion of the aerial structure and train passbys. (CDD)

Response CP-14: The Draft EIR authors do not agree. The conclusion of a less-than-significant impact is supported by the analysis. It does not mean that there would be no impact; it means that this effect cannot be classified as a significant adverse environmental impact. As noted in Response CP-5, there is extensive pedestrian activity on paths provided along the existing BART alignment. In some cases, these paths run directly underneath aerial structures that lack modern noise barriers, and still have high levels of usage. There are paths beneath the BART aerial structure at the locations illustrated in the Draft EIR on Figure 3.13-2. To conclude that the addition of BART overcrossings of some of the paths in Central Park would

significantly affect recreational walkers would contradict clear and convincing evidence to the contrary that is exhibited in other Bay Area communities where walking paths, bicycling paths and mini-parks have been successfully developed in the BART right-of-way directly beneath the aerial structures.

***Comment CP-15 (Fremont):** Reference page 3.7-17 of the Draft EIR. Why would ball fields be lost during construction? Why wouldn't they be temporarily supplied nearby and then reconstructed after development of BART line? The text and summaries should consistently show sports programming will remain intact throughout development and operation phases of the project. (LS)*

Response CP-15: If the mitigation measures on pages 3.7-14, 3.7-18, 3.7-20 or 3.7-22 are implemented the ball fields will *not* be lost during construction. The construction zone for the subway would pass directly through the ballfields, taking them out of service. It is for this reason, that their loss is identified as an impact on page 3.7-17.

BART has consistently recognized the need to mitigate for the temporary or permanent loss of the softball fields, as reported in several locations in this section and in the Summary.

***Comment CP-16 (Fremont):** Reference page 3.7-17 of the Draft EIR. Why is it suggested a subway route would make it more difficult to maintain pedestrian routes during construction phase? Will the entire trench for subway be open and exposed at one time? Can subway be accomplished in phases so pedestrian access can be temporarily re-routed in phases? (LS)*

Response CP-16: The construction area for the subway would be wider than for the aerial structure. Construction of the subway would also be much more difficult and of greater duration than the aerial structure. It is not known how much of the subway would be open and exposed at one time. Based on the increased complexity of the subway construction the EIR concludes that it would be more difficult to maintain pedestrian access during the construction period.

***Comment CP-17 (Fremont):** Reference page 3.7-18 of the Draft EIR. Alignments 2A and 3 are suggested as having higher impact because they would interfere with three sports fields. Compute and discuss minor radius reductions north of Stevenson Boulevard which would eliminate impact on any outfields. Train speed reductions would not present as significant an impact in close proximity to a station. (LS)*

Response CP-17: As requested BART has re-analyzed aerial Alignments 2A and 3 presently shown in the Draft EIR to see what possibilities exist to eliminate any impacts on the three sports fields.

Due to limitations in BART alignment, profile and curve characteristics, it is not feasible to avoid all three fields and the lake, and still avoid unreasonable restrictions for train operations. The actual position of the existing Fremont Station is the controlling factor for the alignment

north of Stevenson Boulevard. Adjustments in alignments north of Stevenson Boulevard do not avoid the problem of affecting the sports fields and the lake. It would be possible to adjust the Design Option 2A alignment to miss the sports fields. However, this could push that alignment into the Lake.

The area of the curve with the speed restriction is, unfortunately, not adjacent to the Station: it is about half-way (actually 0.4) between the existing Fremont Station and the proposed Irvington Station.

***Comment CP-18 (Fremont):** Reference page 3.7-19 of the Draft EIR. Why is the land impact of alignment 2A so much less than BART's proposed project? See footnote. It may have been incorrectly interpreted that land between UPRR and SPRR is not a part of Central Park? (LS)*

Response CP-18: The reference to "five acres" should be deleted; it is from an earlier version of this section and was a result of an incorrect interpretation of the Plan and Profile drawings. The 1st sentence in the sentence 2nd full paragraph on page 3.7-19 which reads:

Again, like the Proposed Project alignment, the BART structure for Design Option 2A would cover about 115,000 square feet (2.6 acres) of land in the park while the proposed BART alignment would occupy about five acres.

is corrected to read:

Again, like the Proposed Project, the BART structure for Design Option 2A would cover about 115,000 square feet (2.6 acres) of land in the park.¹

(Note: the footnote does not change.)

As indicated in the previous paragraph, the land in Central Park East is considered in this calculation.

***Comment CP-19 (Fremont):** Reference page 3.7-20 of the Draft EIR. One brief sentence is inadequate to cover the issue of the future Central Park Golf Course. Alignment 2A would impact land acreage available for golf. Alignment 3 would probably eliminate any possible golf development. What impact would errant golf balls have on any of the surface or aerial alignments? Can BART aerial track be caged to prevent access of errant balls? These issues should be addressed. Alignment 2A or 3 could displace golf development. If so, this might create a substantial cumulative impact in that the 30 acres proposed for golf might then be subject to use for civic structures or intensive recreational uses. (LS)*

Response CP-19: At the time this Draft EIR was being prepared, there was no information about the design and layout of the proposed Golf Course in Central Park East. Since publication of the Warm Springs Extension Draft EIR, the City has released a Draft EIR on

the Golf Course. It indicates that the proposed project is an executive 9-hole golf course incorporating some of the existing wetlands, additional wetland mitigation areas and potential burrowing owl habitat protection. The conceptual diagram shows the approximate location of the BART extension at a location consistent with the alignment of the Proposed Project and Design Option 1. In addition, the Golf Course Draft EIR contains a conceptual diagram for an 18-hole Golf Course (Figure 3-8), but it is used to illustrate the crossing of Mission Creek and is not referenced as a project alternative.

Since it remains true that the golf course has not been approved, designed, funded or built, it also remains impossible to quantify the potential impacts of the Warm Springs Extension Alternatives on the potential golf course alternatives. Based on the Project Description in the Golf Course Draft EIR, it can be generally concluded that the Proposed Project and Design Option 1 would have no impact on the proposed golf course. Design Option 2A and Design Option 3 would seriously constrain the design options for the golf course as these alignments would bisect the site. Design Option 2S would have no long term impact on the golf course, but could have a construction period impact, if the golf course were to be completed in advance of construction of the BART extension.

BART trains could be protected from errant golf balls by 1) designing the golf course to minimize the exposure potential and 2) installing protective nets in zones of exposure.

The potential for substantial cumulative impacts if the golf course does not go forward is exaggerated. To begin with, there are no known or proposed alternative projects for development of this area that are considered feasible. In addition, the site has potentially significant environmental constraints to development including wetlands, special status species habitat, poor access, high noise levels from trains, a highly linear site configuration. In addition, most of the site is within Central Park and is shown on the Fremont General Plan as remaining in park uses.

Comment CP-20 (Fremont): The City has made a substantial asset investment in the Softball Complex building. The complex houses program staff, a meeting room, public toilets, and snack bar. What impact results when a four field complex is fractured to smaller components? Will the City have to provide duplicate services at several locations? Will the split result in loss of profitability for snack concessions and subsequent cancellation of service?

Response CP-20: The Draft EIR indicates that the aerial structure with the Proposed Project would split the 4-field softball complex. This is recognized as a significant impact in the Draft EIR and mitigation, including relocation of the fields is suggested. It is assumed that new concessions would be built at the replacement ballfields. If new temporary facilities are provided and if the snack bar is managed efficiently, it is unlikely that there would be a significant loss of profitability.

Comment CP-21 (Fremont): *The Public Park Preservation Act of 1971 will require replacement of park acreage lost due to development. Leisure Services believes that the severance of recreational continuity in Central Park and the loss of some forms of recreation activity in the vicinity of a track superstructure will require substantial acreage replacement in compliance with this law. (LS)*

Response CP-21: See Response CP-3.

Comment CP-22 (Milnes): *AERIAL CONSTRUCTION AT CENTRAL PARK: The DRAFT Environmental Impact Report does not address the adverse impact an aerial structure over Lake Elizabeth would have on sail boating. The San Francisco Bay Bridge causes area of absolute calm to exist beneath the bridge wherein sailboats become literally "dead in the water". The trees on the island in Lake Elizabeth have the same tendency. Construction of an aerial bridge over Lake Elizabeth can be expected to act in a similar fashion, substantially reducing the recreational value of the portion of the lake northeasterly thereof.*

Response CP-22: The Draft EIR directly addresses this concern. On page 3.7-12 it states that, "The overhead structure (with the Proposed Project) might also affect the localized wind patterns in the arm of the Lake and could reduce the quality of the (sailing) course."

The impacts on recreational boating activities are recognized as residual impacts after mitigation (page 3.7-16).

Comment CP-23 (Olson): *The Central Park impact of aerial or subsurface was viewed as a tradeoff of money and aesthetics. One recurring theme was that BART had made previous commitments to Fremont for the subsurface route and was balking at the cost of this plan citing the fact that Oakland paid for their underground BART facilities. Although one newspaper reporter assessed that about half the people sided with the proponents for underground and the other for the lower cost aerial route(s). Our perspective was that only a portion of the general public's concerns about the subsurface route were directly related to money. In addition, some were related to safety of a subsurface tunnel. However, it was pointed out by two people (Director Glenn and one of the citizens who was a structural engineer) that the tunnel was safer than an aerial BART track. The other issues were the noise and to a lesser extent the vibration. More than one individual expressed concern about the aerial solutions on the noise impact in the park. This is substantiated by the Draft EIR in which the range of impacts is said to be within 300 to 1,200 feet of the BART tracks depending upon the sound criteria selected. The impact on the wildlife such as the Burrowing Owl habitat, the wetlands and the baseball fields did not merit significant comment. We believe that most people recognize that relocation or rehabilitation of the owls and preservation of the wetlands are manageable activities as has been demonstrated elsewhere in the Bay Area. The affected playing fields can be moved and rebuilt where necessary. The issues are the cost to reduce noise and retain the aesthetics of Central Park.*

Response CP-23: Although this comment is based on the 1990 Draft EIR and public hearing, it is still applicable to this Draft EIR. It should be noted that the potential impacts on Central Park area assessed in much greater detail in the present Draft EIR as are the issues related to noise, vibration, wildlife, and wetland impacts. The present Draft EIR also considers a broader range of alternatives, in greater detail, than the 1990 Draft EIR. This information will be useful to the BART Board in evaluating alternatives. The Board, however, will not make a decision based solely on environmental factors but will also consider the economic feasibility of all the choices before it.

Comment CP-24 (PH-Fremont): While the new draft EIR is an improvement over the document which was published last years, we were disappointed the draft EIR didn't do a better job of specifying the subway options as appropriate mitigation in Central Park.

Response CP-24: See Response CP-1.

Comment CP-25 (PH-Fremont): Central Park is a unique and very special resource. The park is just as important to Fremont and southern Alameda County as Golden Gate Park is to San Francisco, and it should receive the same sensitive treatment a BART extension through Golden Gate Park would receive.

Response CP-25: The City's strong preference for a subway design through Central Park is noted. See Response CP-1.

Comment CP-26 (PH-Boissier): I don't know that anybody's addressed the impacts that the construction of this elevated train would have on recreational use at the lake as it pertains to sailing. In the BART newsletter I received here tonight, it establishes temporary sailing courses on the lake, and unfortunately, with the raised train tracks, these would become permanent changes to the racing courses on the lake and would probably render the east side of the lake useless, as far as sailing is concerned, due to air turbulence. We noticed a significant difference in the sailing on the lake after this building was built. The wind tumbles across the lake and moved our finish line for the races.

The sailing club gave quite a bit of input into the design of the lake back in the '60s when it was built, as we were happy to see it expanded a couple of years ago. It allowed us to have regattas, open regattas, and bring in other sailing clubs to sail with us. A lot of them can't believe we have our own lake to sail on. We're so lucky to have a lake. A lot of sailing clubs don't have a lake to sail on and kind of dwindled. But what we'll end up with is a severe reduction in the amount of the lake that we could use for sailing and possibly it would be a safety hazard to new sailors due to severe wind shifts, particularly down near the island.

And I would think that any landscaping that could be large enough to cover the train tracks would certainly be detrimental to the flow of the wind down the lake. We think it would be a serious

mistake to render the lake useless for sailing when sailing was instrumental in getting the lake built in the first place among all the other uses that the lake's there for. That's all.

Response CP-26: The concerns of the sailing club are noted and they will be contacted for their input into the establishment of sailing courses on the lake for use during the construction period. The Draft EIR on Pages 3.7-11 and 3.7-12 addresses the concerns of the sailing club indicating that sailing activities in Lake Elizabeth would be adversely affected and the overhead structure might also affect the localized wind patterns in the arm of the lake and could reduce the quality of the course. A mitigation measure is suggested on page 3.7-15 to have BART work with the City and sailing clubs to establish new temporary and permanent sailing race courses on Lake Elizabeth. See Response CP-22.

Comment CP-27 (PH-Forney): *I am here as a representative, specifically, of Fremont Soccer, boys, girls and adults. And the eastern alignment, the eastern-most alignment elevated, as an example, would deprive the soccer organization, all of the kids, specifically, in this city, of two of our fields, six and eight.*

Response CP-27: The investigations for the preparation of the Draft EIR concluded that none of the proposed alignments would interfere with the soccer fields. Design Option 3 would pass very close to at least one of the fields, but would not interfere with its continued use.

Comment CP-28 (PH-Pohle): *I also would like to make a comment that I noticed that the E.I.R. for the Central Park Golf Course is now out. And upon reading some of the comments that are made in that E.I.R. report and your E.I.R., you made very, very little reference and any mitigation for the golf course at Central Park. You have not addressed that at all. And I am requesting that the BART, whoever it is that's going to be doing this final E.I.R., make some mitigating circumstances there because I find it very conflicting.*

There's going to be -- the way I read the E.I.R. from the Central Golf Course is going to be on either side of the train tracks, and if you've got BART going there, I find that a little bit difficult for golfers to go on the other side where BART is. And I think BART knew that this golf course was in the plans so I'm a little confused here.

Response CP-28: See Response CP-19.

3.9 COMMENTS AND RESPONSES ON VISUAL AND AESTHETIC QUALITY

Comment V-1 (Fremont): *Reference page 3.8-29 of the Draft EIR. The mitigation measures suggested for the Central Park section of the aerial structure are inadequate. This structure will result in a permanent visual intrusion into the park landscape and cannot be screened by the suggested landscape plantings. Landscape screening may be appropriate and adequate for equipment areas and fences, but would be completely inadequate when considered with the scale*

of the aerial structure. The plantings shown in Figure 3.8-5C are mature and would take many years to just partially hide the pillars of the aerial structure. Any screening would also result in a further separation between the east and the west side of the park, affecting the interrelationship of recreational uses. Additionally, the pillars traversing Lake Elizabeth on the east side cannot be screened even partially from view. (CDD)

Response V-1: The Draft EIR does not conclude that the visual mitigation measures will eliminate the impacts of the aerial structure. On pages 3.8-31 and 3.8-32 the residual visual impacts after mitigation are assessed. The analysis focuses on the three general areas of park activities/uses between Lake Elizabeth and Stevenson Boulevard. It concludes 1) that at the Lake and immediately north of it the aerial structure would "still have a significant visual impact"; 2) that in the active recreation area farther to the north the maturing of existing plantings and the establishment of additional screening landscaping would reduce the aerial structures visual effects to a level that is acceptable in an area developed for active recreation. Finally, in the third general area, near Stevenson Boulevard, the Draft EIR concludes that some visual impacts would remain but that they would be less than significant because of new buildings planned in this area and because the existing plantings (which are easily seen in Figures 3.8-6C and 3.8-6D) will mature and provide additional screening.

It is true that the mitigation plantings in Figure 3.8-5C are depicted as mature. Depending on the plants selected, it would take between 5 and 15 years for the trees to grow to a height sufficient to screen views of the structure. Many of the existing trees in the park were planted between 4 and 10 years ago, and are already beginning to screen of views of the existing railroad tracks and the fences and buildings around the softball complex. (See Figure 3.8-6C.)

It is difficult to understand how landscape plantings would further separate east and west areas of Central Park, as they are already separated by the SPTCo railroad embankment and a drainage channel. North of Mission Creek there is no physical access and very limited visual access between these two areas of the Park.

Comment V-2 (Fremont): *Reference page 3.8-31 of the Draft EIR. The discussion under Residual Impacts After Mitigation does not assess the impact of the landscape screening of the aerial structure and the affect on the interrelationship of the recreational land uses. This should be included in the discussion. Additionally, the discussion mentions that the future swim center, public safety building, and the landscaping proposed would reduce the visibility of the aerial structure and its relative importance to the landscape of Central Park. It is also stated that although some visual impacts would remain, they would not constitute a significant adverse environmental impact. The swim center and public safety facilities have not yet been designed or received site plan approval. The City Council has made a preliminary determination to locate a future Police Building in the Civic Center/Central Park area. Specific siting for the building is still to be determined. It is inappropriate and speculative for the consultant to assume these proposed buildings will screen or reduce the visibility of the aerial structure. (CDD)*

Response V-2: During data gathering for the EIR work, the consultant team requested information from several City departments regarding present and planned activities in Central Park. They were informed that the adopted Master Plan for Central Park (which was used in the 1987 Fremont-South Bay Alternatives Analysis study) is out of date should not be used. One of the reasons given was that it does not show four possible projects that could affect Central Park land uses. They are the Gymnasium/Swim Center, Police Department Building, Golf Course and Cultural Arts Center. The consultants recognize that none of these projects have been designed or approved, but that they are important to the City. It is clear that they must be considered in the Draft EIR, because they are "reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the proposed project."¹ Although the buildings are not designed or even specifically sited, the conclusions in the Draft EIR regarding how they would change the visual environment in the portion of Central Park along Stevenson Boulevard are appropriate because they are presented under "Cumulative Impacts" (page 3.8-26).

The mitigation measures for the Central Park visual analysis area note that BART would work closely with the City to develop a landscape plan for the recreation complex and the now vacant land on the north shore of Lake Elizabeth. It indicates that "groups of plantings would be strategically sited throughout the area north of the lake . . ." The mitigation measure is phrased in this way so as to maintain flexibility in designing a landscape plan that will "visually define and aesthetically enrich the various use areas . . ." In this way BART and the City would work together to provide screening for near and more distant views of the structure that would also work to define the recreational use areas of the Park. In concept, this would be similar to the landscaping in place today that defines the boundary between the soccer fields and the open area north of Lake Elizabeth. It consists of earthen mounds, grass, trees and shrubs, and meandering walkways.

Comment V-3 (Fremont): Reference page 3.8-31 of the Draft EIR. The suggestion that the visual impact in an active sports area would be acceptable is too judgmental a statement for an objective EIR document. (LS)

Response V-3: The analysis leading to this conclusion is both logical and consistent. Note that the statement would apply only after mitigation. The Draft EIR states, on page 3.8-19 that, "Although the aerial structure would be bulkier than the built elements that now exist in the sports complex area, it would not be out of scale with the floodlight standards or the snack bar structure in the softball complex. Plantings in this area would provide a modest level of screening. In spite of these contextual factors, visual impacts would be significant (before mitigation) in this area."

¹ CEQA Guidelines, §15355 (b).

Comment V-4 (Fremont): Reference page 3.8-31 of the Draft EIR. The Fremont General Plan considers Central Park a unique visual resource, and a valuable recreational asset to the community. Therefore, it appears the consultant has underempathized [sic] the impact of the aerial structure on the visual and aesthetic quality in the Central Park recreational area. Implementation of Design Option 1 or Design Option 2S, with the subway through Central Park, should be suggested as a mitigation measure for the adverse visual impact. (CDD)

Response V-4: The Draft EIR finds that the aerial structure, even after mitigation, would have significant adverse residual visual impacts. The level of impact is described in the text and illustrated in color photosimulations. Furthermore, the Draft EIR contains a separate section assessing the land use and recreation impacts on Central Park.

As noted in the Draft EIR, Design Option 1 and Design Option 2S would create significant visual impacts in Central Park only during the construction period. These design options are assessed as alternatives, and not as mitigation measures, for the reasons discussed in Response CP-1.

Comment V-5 (PH-Higgason): There was another portion where it talked about putting that sound barrier wall on both sides of BART would impact the BART viewer ride and the historic Irvington scenery. I'm sorry. I don't agree. I've got pictures from my backyard, and they're not scenic. The only scenic thing is the little winery. The rest of it is warehouses, fields, tractor trailer rigs. I mean, there's nothing pretty back there. Even though I live there, I do look out there. It's nice not to see a bunch of other houses except for the houses on the hill which I wish we hadn't built either. Needless to say, I'm not real thrilled.

Response V-5: The commentor apparently is referring to the analysis on page 3.8-22 of the Draft EIR. The analysis finds no significant visual impacts from the at-grade tracks and sound walls. The text indicates that views of the Irvington District and the Gallegos Winery would be mostly obscured by the depressed portion of the alignment near the Irvington Station and soundwalls located adjacent to the roadbed in the at-grade segment between the Irvington Station and Durham Road.

Comment V-6 (PH-Higgason): I guess one of the alternatives, I wish BART wouldn't be there, I'd like Alternative 8, although I know it's one of the least liked alternatives, because it gets it away from my backyard. They want to put a sound barrier wall in, why don't they put it behind our houses so we don't have to look at the people every 15 minutes. It's not fair to us to lose our privacy. I've been there 12 years. I've been in Fremont just about all my life. And I'd like to keep my privacy. It's not fair for me to lose that just because people are going to be behind my home.

Response V-6: The sound walls alongside BART will mitigate visual intrusion from BART. Page 3.8-22 of the Draft EIR states that:

In the at-grade segment of the route between the Irvington Station and Durham Road, passengers would mostly see the sound walls located immediately adjacent to the roadbed, particularly on the west side.

3.10 COMMENTS AND RESPONSES ON CULTURAL RESOURCES

Comment C-1 (Fremont): Reference page 3.9-11 of the Draft EIR. Under the section on Proposed Project Impacts, the discussion on the focused subsurface archaeological testing program related to the CA-Ala-343 site is a mitigation measure and should be discussed in that section (rather than under impacts). It should also be clarified this task would be performed in implementing any of the design options since all would have some level of impact on the subsurface deposits. (CDD)

Response C-1: The need for an archeological testing program to determine the integrity and cultural complexity of CA-Ala-343 is recognized by BART as an essential study no matter which alternative is selected. The City is correct in noting that the testing program could be classified as mitigation. Therefore, the first full paragraph on page 3.9-11 of the Draft EIR is hereby moved to the next page and inserted in the Mitigation sub-section after the heading **CA-Ala-343**.

Comment C-2 (SHPO): The Office of Historic Preservation assists federal agencies with meeting legislated and regulatory historic preservation responsibilities. Your cover letter, however, gives no indication that a federal agency is involved in the proposed extension project. What federal agency, if any, will be required to permit or fund the project?

Response C-2: No federal agency is directly involved in the project. No federal funds are anticipated for the project. Appropriate regulatory federal agencies may be requested to issue permits for portions of the project. An example is the 404 permit which would need to be issued by the U.S. Army Corps of Engineers for filling a portion of the South tule pond.

Comment C-3 (PH-O'Conner): I also wanted to touch on the fact that we have a good historical resource on the corner of Washington Boulevard and Osgood. There's an old historical winery. I would like to see that not impacted too greatly, that we do something with the bricks or something and save some of that historical resource at that point.

Response C-3: Page 3.9-13 of the Draft EIR specifically calls for avoiding any impacts to the historic winery ruins by preserving the ruins in their present state including consideration of methods for stabilization. An appropriate barrier can be placed around the ruins so that the resource is protected and at the same time visually available to the public.

Comment C-4 (PH-Hirsch): Lastly, the Old Gallegos Winery facility across the street is something that should be tied in with what we do so we do it in a proper way to make that a bit of an asset

for our area because it does have a lot of history and it is a significant structure. And it needs to be done in the correct way so as not to be destroyed in the process we're talking about.

Response C-4: See Response C-3.

3.11 COMMENTS AND RESPONSES ON UTILITIES AND PUBLIC SERVICES

Comment U-1 (SPTCo): Page 3.10-2, Communication Utilities - About 0.7 mile of US Sprint fiber optic cable lies on westerly side of SPTCo track in vicinity of Warm Springs. Protection and/or relocation must be done as needed.

Response U-1: Mitigation measures described on page 3.10-11 of the Draft EIR are proposed to insure the protection of the communication utilities.

Comment U-2 (SPTCo): Page 3.10-3, Communities Utilities - MCI and SP Telecom both have fiber optic cables on westerly side of SPTCo track. Protection and/or relocation must be done as needed.

Response U-2: See Response U-1.

Comment U-3 (Hetch Hetchy): Your proposals would impact our 115KV transmission lines at the Durham Road Crossing. Alternatives Seven and Eight would encroach upon the safety margins inherent in the clearances between the overhead lines and vehicles passing underneath. If you should choose to elevate the grade and/or in other ways reduce the clearance, as in Alternates Seven and Eight, suitable mitigation will be required. However, we do not believe this is an insurmountable problem.

Response U-3: Comment noted. Mitigation measures described on page 3.10-10 of the Draft EIR are proposed to insure adequate clearance between BART and transmission lines.

3.12 COMMENTS AND RESPONSES ON SAFETY AND SECURITY

Comment SS-1 (Fremont): Reference page 3.11-1 of the Draft EIR. No discussion of security or vandalism impacts on park supervision program is included in this section. No reference is made to the existing park security program. Are Park Rangers expected to keep visitors from flying kites in proximity of the track for fear of dropping metallic mylar films onto the third rail? Who responds when a park visitor lofts a ball or Frisbee at an oncoming train? (LS)

Response SS-1: As noted in the Draft EIR, page 3.11-3, BART police are responsible for safeguarding BART property, personnel and the lives and property of BART passengers. BART police would respond to reports of incidents along the project right-of-way, whether

within Central Park or at other locations. As noted, in the event of reports of crimes in progress, the Fremont Police might be the first to respond, unless BART police units are patrolling nearby. In no event, is it expected that the responsibility for patrolling the right-of-way within Central Park would fall to the City's Park Rangers.

Out of concern for passenger safety, BART's System Safety staff has conducted tests of the ability of BART cars, and particularly their windows, to withstand impacts from objects that could be lofted at trains such as rocks, baseballs, softballs, golfballs, frisbees, etc. The windows are able to withstand reasonably expectable forces from such objects. Hence, BART does not propose to erect any special protective screens along the alignment through the Park.

Comment SS-2 (Fremont): Reference page 3.11-4 of the Draft EIR. The Fremont Fire Department has nine fire stations, not eight as listed in the report. (FD)

Response SS-2: The word "eight" in the first line of page 3.11-4 is hereby changed to "nine".

Comment SS-3 (Fremont): Reference page 3.11-4 of the Draft EIR. Identify the location and response time to Fremont of the four emergency vehicles. (FD)

Response SS-3: The nearest of BART's four emergency vehicles is located at the Hayward yard. It is estimated that the emergency vehicle could respond within 30 minutes of an incident. The procedures established in the BART Emergency Plan call for BART Central Control to mobilize the emergency vehicle operators, without prior request, and to notify the Fire Department Incident Commander when the emergency vehicle is ready to be set on the track. The Emergency Vehicle would not be dispatched until ordered by the Fire Department Incident Commander.

Comment SS-4 (Fremont): Reference page 3.11-5 of the Draft EIR. This section makes reference to a safety engineer review of drawings and specifications for compliance with safety codes. It further states on pages 3.11-6, the Fremont Fire Department requests an opportunity to conduct a review of plans for conformance with local codes.

At the July 17,1991, EIR meeting, a BART representative stated BART enjoyed autonomy on matters of design criteria and review.

The Fremont Fire Department contends that Title 19 of the California Code of Regulations gives fire department jurisdiction over BART stations. Specifically page 1, paragraph 1.03, states these regulations should govern use and maintenance of structures used for awaiting transportation. Title 19 constitutes the basic building design and construction standards of the State Fire Marshal. (FD)

Response SS-4: See responses G-5 and G-6.

Comment SS-5 (Keenly): *Construct an aerial alignment opposite the Grimmer School.*

An aerial alignment near the Grimmer School provides for the safety accorded the schoolchildren while at the same time enhancing the view from the BART train (see Figure 3.8-8B in the Draft EIR). The at-grade alignment, which would construct walls at the outer edges of the BART tracks, would detract from the riders' view significantly while at the same time not increasing the safety factor (see Figure 3.8-8C in the Draft EIR).

Response SS-5: BART has had excellent success in protecting many miles of at-grade track from unwanted incursions of any type. Because of the high voltage third rail, and the high speed and frequency of trains, public safety concerns demand full protection of the right-of-way. This requires continuous, high security fences (or sound walls with security fencing on top) and bi-lingual high voltage warning signs on both sides of the right-of-way wherever the tracks are at-grade. The commentator's observation about the at-grade alignment and sound walls detracting from the riders' views is true; however, the soundwall also provides visual privacy for residents whose backyards are along the alignment. See also response V-6.

Comment SS-6 (Allen): *Page 3.11-1: Footnote 1 does not distinguish between vehicle-miles and passenger-miles. It should do so.*

Response SS-6: The death rate is expressed in terms of 100 million *passenger* miles. Page 3.11-1, footnote 1, which reads:

¹ In 1988 the death rate in the United States for passenger cars was 1.19 per hundred million miles. For buses the rate was 0.03, for scheduled airlines it was 0.01 deaths and for passenger rail trains it was 0.02. National Safety Council, 1990, *Accident Facts*, p. 90.

is changed to read:

¹ In 1988 the death rate in the United States for passenger cars was 1.19 per hundred million miles. For buses the rate was 0.03, for scheduled airlines it was 0.01 deaths per hundred million passenger miles and for passenger rail trains it was 0.02 per hundred million passenger miles. National Safety Council, 1990, *Accident Facts*, p. 90.

Comment SS-7 (UPRR): *Third, safety and security will be a problem as the railroad experiences instances of trespassers on the tracks in this location.*

Response SS-7: Safety and Security along the segment of the UPRR and SPTCo rail corridors would probably be improved by the presence of BART by making access more difficult (since the BART right-of-way will be enclosed by fences).

Comment SS-8 (PH-UPRR): We have real problems with security, I think. Unfortunately, we have a problem with a lot of people being on our tracks, and we think a tunnel would probably encourage that activity. So the security would have to be really strong.

Response SS-8: See Response SS-7.

Comment SS-9 (PH-Kliment): My main concern is about safety in regarding the railroads versus BART. I live on Valdez Way, 1585 Valdez Way, I forgot to mention that, and that runs parallel of the Union Pacific Railroad. And after hearing all the comments tonight, I'd be for the plan to not even have BART go through the park. Because reading the Environmental Report and living on Valdez Way, there's a lot of things I don't think people are aware of.

The Union Pacific, when I moved here in 1977, was just a spur track to Ford and the Southern Pacific was to General Motors. Now, they are full blown with freight trains. And we all know the records of the past few months of Southern Pacific and Union Pacific and Amtrak. So if we're going to make passenger trains out of the railroads, think about the record of Amtrak in the last year; think about Southern Pacific and the hazard and the safety involved.

On March 27th of this year, the Union Pacific, at 7:15 in the morning, went down our track by my house and the one wheel slipped off the rail. And it sounded like an earthquake. It was shattering. And the engineer of the train didn't--as far as I know, is what I heard from the railway workers--didn't stop and check the train and went on to Milpitas. Well, you should see the damage to the ties. They have come out and replaced them. They were absolutely splintered because as their wheel went along, it tore it up.

So the trains, it's true, have been mentioned as going ten miles an hour. Now, this is the fact because it was a little piece in the paper that Union Pacific said that the wheel went off the train, I think at Gomes Park, just a little bit farther down from me and that it was minor. Well, I guess you consider something like that minor if it doesn't derail.

And the hazard, those cars are carrying, it said in the paper, something about it was carrying, it was a minor thing, it was carrying car parts. Well, they carry a lot more than car parts. There are chemical trains with the I-800 number to call if they derail. There's lumber. There's coal. There's car carriers, which is natural because they're going to the plant. But there are a lot of different things like piggyback, so if you have a derailment this can be serious. It can go either way.

Response SS-9: The comments regarding the existing railroad service and the potential hazards of freight rail service are noted. In the past few months there have been several large and highly publicized rail accidents in California. Typically, there are more than 100 non-grade crossing rail accidents in the state each year (and over 300 grade-crossing accidents). Of these, only a few of the non-grade crossing accidents involve injuries or fatalities. In 1988, for

example, there were 121 non-grade crossing accidents with 2 fatalities and 32 injuries.² Since there are 6,267 miles of railroad track in the state,³ the risk of an accident occurring at any given location remains quite low. Based on 1987 data, the accident rate is about 1.4 accidents per mile of track per 100 years. The risk of an injury accident is, clearly, much lower.

The location of the BART alignment adjacent to freight rail alignments would create a small risk that a BART train could be harmed during the occurrence of a train accident on an adjacent track. The risk is very low, however, as it would have to involve the concurrence of a number of low probability events. The accident would probably have to be a large derailment, with debris extending across the both railroad and BART alignments, and it would have to coincide with or occur immediately before the passage of a BART train.

Comment SS-10 (PH-Higgason): The other issue, too, at the Grimmer School is the safety of the children. And kids love trains. Like they've said, there have been accidents with the trains. That's just going to be one more thing to take the kids' mind and put them near the train tracks if there's a BART station there and there's no way of protecting them. And I just need to find out how we're going to resolve all of this.

Response SS-10: See Response SS-5.

Since the existing SP and UP alignments are not fenced, passage across either or both rights-of-way is both possible and relatively common, by both children and adults. The construction of BART and the installation of the BART security fencing along the alignment would eliminate the possibility of passage across the corridor except at designated streets and sidewalks. Grimmer School children might still have access to the SP right-of-way but the construction of BART would completely eliminate any "short-cuts" or paths across the corridor. This would reduce the risks of the exposure to school children to harm from the adjacent rail corridor.

Comment SS-11 (PH-Aihara): The other thing, too is, in looking at the executive summary -- I read a lot of reports in my work, and I know that a lot of people only look at the summaries. And I think there was only one box as far as safety and security. And I have seen many people riding on the trains. And even with the wall, there will still be people, hopefully, none of the kids from the elementary school because elementary school grounds run fairly close to the trains tracks also, but that doesn't seem adequate. Just to think the security plan is going to work would be one thing, but I can only assume that costs for security, additional people and additional materials for fences and BART, will go up. And I don't think that is adequately covered.

² California Public Utilities Commission, Safety Division, **Annual Report of Railroad Accidents Occurring In California, Calendar Year 1988**, April 1, 1990, pp. 1-4; II-2.

³ Pacific Data Resources, **California Almanac**, 4th Ed., 1990, p. 377.

Response SS-11: The costs for the project include full and complete protection of the BART right-of-way from unauthorized public access. As noted in Responses SS-5 and SS-10, the Proposed Project would block access across the railroad corridor adjacent to Grimmer School where it is not fenced or protected.

Comment SS-12 (PH-Keenly): I'd like to make a couple of comments about the Grimmer School. I rode my bicycle by there yesterday and if you look out there right now, there are not even walls blocking the school. There's a fence along the outside of the Grimmer School which is three feet high, which means currently any child can jump over the fence and walk in front of any freight train. So instead of putting the walls in front of the BART -- or I'm sorry, on either side of the BART, why not put the walls next to the school? That way, the kids can't jump over the wall or anything like that as they could currently.

Response SS-12: BART must protect its alignment from unwarranted public access, but would not be able to invest its (public) funds in the protection of Southern Pacific and/or Union Pacific right-of-way as well.

3.13 COMMENTS AND RESPONSES ON TRANSPORTATION

Comment T-1 (AC): In the transit discussion in Section 3.12.3 - Impacts of Proposed Project - on page 3.12-47, it is estimated that 40 persons would use AC Transit to connect with BART At Warm Springs on an average daily basis in the year 2010. The number appears to be quite low, considering the number of businesses in the Warm Springs area. The previous paragraph points out that the AC Transit Comprehensive Service Plan (CSP) shows one bus route passing near the proposed Warm Springs Station (Line 31). It is also mentioned in this paragraph that if a BART station were constructed in Warm Springs, AC Transit would modify bus service to connect to that station. Apparently, the analysis leading to the 40 daily AC Transit passengers did not take this bus service modification into account. A revised estimate of daily AC Transit bus passengers should be made, with the assumption that AC Transit will modify its bus service to serve the Warm Springs Station.

If a Warm Springs station is constructed, AC Transit is proposing to make the following CSP bus route changes:

- *Line 34 would be extended to the station.*
- *Lines 31 and 22 would deviate from the current proposed route to serve the station.*
- *Line 32X, which is currently proposed to operate as an express to the Fremont Station, would be revised to operate as a feeder route serving both the Warm Springs and the South Warm Springs Station (if built).*

- *Lines 24 and 28 might be revised to also serve the station.*

Response T-1: The estimate of transit patronage at the Warm Springs station is based upon the MTC regional transportation model. The model run assumed only the Route 31 bus passing near the Warm Springs station, since additional service had not been committed by AC Transit. The first paragraph of page 3.12-47 says that "it is possible that AC Transit would modify service to connect to that station".

If AC Transit makes the modifications discussed in their comment, it would be reasonable to expect approximately 400 daily AC Transit passengers to and from the Warm Springs station. BART, working with AC Transit, intends to design the station to accommodate future bus transit services, such as proposed by AC Transit.

Comment T-2 (AC): It is important to note that employment in the area served by the Warm Springs extension is quite large and continues to grow. Virtually no work site is within walking distance of any existing or proposed BART station. Therefore, reverse commuters relying on BART must use a transit link to reach their place of employment.

Response T-2: Comment noted. No response required.

Comment T-3 (AC): In all of the transit discussions in Section 3.12.9 - Impacts of Alternatives 6, 7, and 8 - on page 3.12-84; Section 3.12.10 - Impacts of Alternative 9 - on page 3.12-90; Section 3.12.11 - Impacts of Alternative 10 - on page 3.12-93; and, to a lesser extent, Section 3.12.12 - Impacts of Alternatives 11 - on page 3.12-98, it is stated that the impacts on transit service are similar to the Proposed Project. Since AC Transit has designed its CSP around the creation of a major Timed Transit Center, to be located at the Irvington BART Station, and would modify the CSP routes to serve the Warm Springs and South Warm Springs Stations, the choice of Alternative would have a major impact on bus transit in this area. This is especially significant since a suggested transit mitigation measure suggested is for AC Transit to modify its routes to improve service subsequent to project approval.

Response T-3: Each of the BART extension alternatives, Proposed Project and Alternatives 4 through 11, offer opportunities to modify AC Transit's proposed Comprehensive Service Plan to enhance bus transit connections to BART. As mentioned in Comment T-1, AC Transit proposes to revise their CSP routes to better serve a Warm Springs station. Route modifications similar to those suggested by AC Transit will enhance bus ridership at the Warm Springs station for the Proposed Project and Alternatives 4 and 5 (as noted in the response to Comment T-1). Route modifications to serve the Warm Springs station are more important with Alternatives 6 through 9 since there would be no Irvington BART station. The proposed timed transit center at Irvington is anticipated to go into service several years before BART service could be extended to Irvington and presumably would remain as a transit center even if BART did not have a station at Irvington. Alternative 10 with no BART stations at either Irvington or Warm Springs would likely result in AC Transit route modifications at the South

Warm Springs BART station to improve service connections in the southern most portions of Fremont. Alternative 11, with Irvington and South Warm Springs BART stations but no Warm Springs BART station would likely result in similar route modifications to Alternative 11 in southern Fremont.

BART will work with AC Transit to devise an appropriate local bus system in Fremont that coordinates well with the chosen BART station arrangement.

Comment T-4 (AC): Concerning the conceptual station plans that are mentioned in Section 3.12 - Transportation - bus transit centers should be located as close to the entrances to stations as possible with an exclusive lane for bus access and egress. Kiss-ride lanes should be located between the transit centers and the surface parking lots. This arrangement will reduce traffic congestion and conflicts, as buses will not have to compete with taxis, kiss-ride vehicles, and vehicles entering the parking lot. This would greatly improve the overall circulation at the stations. Such exclusive bus access lanes have proved to be effective at existing BART stations such as Concord and El Cerrito del Norte. In addition, the convenience of minimum walking distance between bus/BART transfers will encourage transit usage.

Response T-4: Figures 2-4, 2-5 and 2-6 in the Draft EIR illustrating station concepts include special bus facilities similar to these comments. BART, working with AC Transit, will use design techniques such as those suggested in the comments to enhance design of the stations and assist in promoting transit access to the stations.

Comment T-5 (AC): The discussion of traffic cumulative impacts notes that with the Proposed Project there will be a degradation of Levels of Service for several intersections. In particular, it is noted that the Driscoll Road - Osgood Road/Washington Boulevard intersection and the Mohave Drive/Mission Boulevard intersection will go to LOS F. Nowhere in the Draft EIR is there any discussion how the increased traffic congestion will affect AC transit bus service reliability or travel time, and thus AC Transit costs or ridership. The Draft EIR claims that there would be no significant impacts on transit. LOS F at these intersections will definitely impact AC Transit.

Response T-5: Increased traffic associated with cumulative growth consistent with the Fremont General will affect AC Transit's service reliability and travel times. However, the traffic improvements identified by the City of Fremont and the proposed mitigations identified in the Draft EIR will result in traffic levels of service of D or better at most intersections. As identified in the Draft EIR on Page 3.12-71 there are several intersections which are expected to have residual impacts after mitigation. These intersections include Driscoll Road-Osgood Road/Washington Boulevard LOS E; Mohave Drive/Mission Boulevard LOS E; Warm Springs Boulevard/Mission Boulevard LOS E; Warm Springs Boulevard/Kato Road-Scott Creek LOS E and several freeway ramps. Four of the twenty one AC Transit routes in the Fremont area pass through one or more of these intersections. Most of these intersections would operate at an unacceptable LOS, even without the proposed BART extension. In general the effect of BART

on congestion levels is relatively small and the mitigation measures identified in the Draft EIR improve other intersections which tend to improve bus service reliability.

Comment T-6 (AC): *The subsidized cost of free parking spaces at BART stations should be considered. If parking fees were charged, there could be additional incentives to traveling to and from the stations in ways other than driving. These incentives could include increased frequency of bus service connecting to the stations, reduced cost or free transfers between bus and BART, expanded transit information and marketing, and additional free bicycle lockers. Improved, more frequent bus service would attract additional bus riders and reduce the size of the proposed parking lots. This will also have a beneficial effect on air quality. If people drive to BART stations as part of their commute, they will have their cars available for other high pollution generating short trips while on their way to or from the BART stations. If they utilize feeder bus service, the negative effects on air quality in the vicinity of the stations will be reduced. In addition, auto congestion in the vicinity of BART stations would also be greatly reduced.*

Response T-6: The existing BART stations, with the exception of Lake Merritt Station, provide free parking to BART riders. The proposed BART extensions are planned to provide adequate and free parking spaces for BART riders. The question of parking fee at BART stations is a continuing subject of discussion at BART. However, a fee for parking would entail a change of BART Board Policy. BART will continue to work with AC Transit and other bus operators to facilitate their provision of improved bus service at all proposed station locations. (For example, see response T-4 in regard to station enhancements for transit.) Convenience shopping or other errands while en route to or from a BART station by combining potential trips tends to reduce vehicle miles, cold starts and air pollution.

Comment T-7 (Fremont): Traffic Mitigation: *The Transportation Section of the Draft EIR presents volumes of information regarding the traffic impacts of the new BART stations. However, it fails to identify specific mitigations for which BART is responsible. Based on data presented in the EIR, the City Council believes BART should be responsible, as a minimum, for full improvements at the intersections of Driscoll/Osgood/Washington and Warm Springs/Osgood/S. Grimmer and the Blacow Road grade separation and street improvements between Roberts and Osgood. BART should consider using the existing structure in the abandoned Route 238 right-of-way south of Blacow Road to build an I-680 on and off-ramp directly into a parking structure at the Irvington Station. BART should also provide pedestrian improvements to facilitate walking to the station sites, install any traffic signals required at station driveways, and install transitional street improvements beyond BART station frontages. The cost of adequately mitigating all the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole and not the City of Fremont.*

Response T-7: BART's enabling legislation states that BART's goal is to provide regional transit service; therefore, it is not within the scope of BART's authority to construct roadway and intersection improvements. However, BART will mitigate traffic and circulation impacts caused by the extension by contributing to off-site street improvements planned and constructed

by the City of Fremont commensurate with station related traffic. In addition, BART will make normal frontage improvements at each of their new station sites.

The Irvington Station is planned as a major multi-modal transit center. AC Transit's Comprehensive Service Plan identifies the Irvington BART Station as a key transit center for timed transfers between routes that serve southern Fremont. In terms of the connecting ramps to I-680 there are a number of issues that resulted in the concept not being included as part of the Warm Springs Extension. The project as described in the Draft EIR does not preclude the addition of direct connector ramps at some time in the future to enhance long term transportation service.

Some of the issues related to the direct connection of I-680 to an Irvington Station parking area are as follows: The South Warm Springs Station is easily reached from the Scott Creek Road interchange and is approximately six miles closer to the Santa Clara County line than the Irvington Station. Therefore, the South Warm Springs station is preferred for accessing BART from Santa Clara County via I-680 to minimize automobile miles traveled on I-680. Santa Clara County transit buses will use the South Warm Springs Station for their transfer location in order to minimize route length and travel time, important operating considerations for costs and fleet size. The idea of connecting ramps to the station parking area is of concern to Caltrans because the ramps would involve left lane egress and access to the freeway involving potentially slower moving traffic in the fast lane entering or exiting the freeway. The City of Fremont had previously expressed some concern that the ramps might also be used for local traffic, rather than strictly BART station access. This would load additional traffic on the adjacent city streets, where there already is fairly large traffic volumes.

Additionally, connecting the I-680 ramps to the Irvington station parking area would require significantly more cost for right-of-way and probably a parking structure. This cost would likely not result in additional patronage since the South Warm Springs station serves the same pool of anticipated riders. Cost is very important, and since the direct I-680 ramp connectors are not essential, they have not been included in the proposed project. The ramps can, however, still be considered at some future time when warranted.

Comment T-8 (Fremont): Reference page 3.12-4 of the Draft EIR. The method used to calculate signalized intersection level of service is slightly different from our usual TJKM method. The method used by DKS differs in its treatment of right- turn movements and does not appear capable of evaluating alternative phasing arrangements, such as right-turn overlap phasing. As such, this method would appear to generate more conservative level of service results.

Response T-8: Comment noted. One example of this conservative approach is noted in Comment T-19, where the intersection of Fremont Boulevard with Cushing Boulevard is mitigated by overlap phasing.

Comment T-9 (Fremont): Reference page 3.12-4 of the Draft EIR. The description of the all-way stop-controlled method of calculating level of service appears to be different from the method actually used, as shown in Transportation Technical Appendix. (PW)

Response T-9: The method described in the text was used for the evaluation of existing conditions. In most cases, intersections were worse than LOS C. Therefore, the analysis of future conditions did not revisit these calculations. The figures in the appendix are shown simply to provide information on traffic volumes, and for input to the signalized level of service calculation, when appropriate.

Comment T-10 (Fremont): Reference page 3.12-4 of the Draft EIR. The discussion about the Blacow Road extension should be expanded. The Blacow Road extension is included in the City of Fremont's General Plan to accommodate the presence of the BART station in this area. (PW)

Response T-10: The analysis in the Draft EIR shows that Blacow undercrossing will benefit the City of Fremont whether or not the Irvington Station is built. In the year 2010, during the P.M. peak hour, the proposed underpass is estimated to carry about 780 vehicle per hour, of which 190 vehicles (about 25 percent) would be generated by the proposed Irvington Station and 590 vehicles (about 75 percent) would be generated by other developments in the Irvington District.

Comment T-11 (Fremont): Reference page 3.12-13 of the Draft EIR. Osgood Road will be a four-lane facility, with provisions for left turns, not strictly an undivided facility. Provisions for left turns should be available at the Irvington BART Station. (PW)

Response T-11: Comment noted. The text in the Draft EIR has now been changed to incorporate this statement, as follows:

Page 3.12-13, 3rd paragraph, 4th sentence, currently reads:

City of Fremont plans provide for Osgood Road/Warm Springs Boulevard to become a four-lane undivided facility from Washington Boulevard to just north of Mission Boulevard.

and is changed to read:

City of Fremont plans provide for Osgood Road/Warm Springs Boulevard to become a four-lane facility with provision for left turn movements from Washington Boulevard to just north of Mission Boulevard.

Comment T-12 (Fremont): Reference page 3.12-33 of the Draft EIR. The EIR does not address the impacts to local circulation in the vicinity of the Irvington BART Station with respect to the elimination of Railroad Avenue. We would anticipate a requirement to connect High and Main Streets. (PW)

Response T-12: BART will be buying the properties with access affected by the elimination of Railroad Avenue. The relocation of the SPTCo tracks in connection with the elimination of Railroad Avenue will eliminate the current connection between High Street and Main Street. A connection of these streets adjacent to the SPTCo tracks would maintain the connection between the two streets.

A new bullet is added on page 3.12-33 as the first bullet on the page as follows:

- The elimination of Railroad Avenue north of Washington Boulevard and the Irvington Station will remove the existing connection between High Street and Main Street.

A new section is added on page 3.12-61 just before the section titled **Mitigation of Intersection Capacity Problems** as follows:

Mitigation of Local Circulation Problems. The project eliminates Railroad Avenue to the north of Washington Boulevard and the Irvington Station severing the connection between High Street and Main Street. It is proposed to mitigate this impact by constructing a street connection between High Street and Main Street adjacent to the SPTCo tracks.

Comment T-13 (Fremont): Reference page 3.12-33 of the Draft EIR. The report discusses significant traffic impacts for the proposed project. Included in this discussion are descriptions of the percent of BART traffic relative to the total traffic in 1998. These percentages should not be interpreted as BART's responsibility for mitigation. BART's mitigation responsibility should be based on a combination of factors. These factors include: (a) the need to have certain street and access improvements in place when train service begins, (b) the satisfaction of normal frontage improvement requirements, and (c) the percent of incremental traffic at impacted intersections where the timing of improvements can be delayed.

This latter concept needs further explanation. Calculating mitigation responsibility by this method is in line with the intent of AB 1600. Where existing roadway deficiencies do not exist, it becomes incumbent upon future development to remedy anticipated problems. Therefore, the calculation of the mitigation responsibility must be based on the net growth in traffic - not the total traffic - at those problem locations. If a deficiency does currently exist, then the percentage of total traffic can be considered. (PW)

Response T-13: As discussed in response T-7, BART will make normal frontage improvements for each of the new station sites; additionally BART will participate in paying for off-site street improvements commensurate with their contribution to the traffic. For those intersections that do not have current deficiencies BART would pay their proportionate share of the mitigation based on the net growth in traffic consistent with the intent of the nexus legislation, Government Code 66000 et sequence. For those intersections that already have deficiencies

BART would pay their proportionate share of the mitigation based on the percentage of total traffic again consistent with the intent of Government Code 66000 et sequence.

Comment T-14 (Fremont): Reference page 3.12-16 of the Draft EIR. The Mitigation Measures section should also list those BART driveway intersections that will require traffic signals. These signals may also require traffic signal interconnect. (PW)

Response T-14: The Proposed Project would require traffic signals at the following locations:

- *Irvington Station:*
 - Main driveway to parking lots on Osgood Road.
- *Warm Springs Station:*
 - Both driveways to parking lots on Warm Springs Boulevard.
- *South Warm Springs Station:*
 - Southern driveway to parking lot on Warm Springs Boulevard.
 - Driveway on Kato Road.

Station descriptions in Chapter 2 are modified to include this information as follows:

Page 2-7, third paragraph under **IRVINGTON STATION**, third sentence, add the following sentence:

The main driveway to the parking lots on Osgood Road approximately two-thirds of the way toward the south end of the station will be signalized.

Page 2-9, second paragraph under **WARM SPRINGS STATION**, add at the end of the paragraph:

Both auto driveways to the parking lots on Warm Springs Boulevard will be signalized.

Page 2-11, first paragraph, add at the end of the paragraph:

The southern driveway to the parking lot on Warm Springs Boulevard and the driveway to the parking lot on Kato Road will be signalized.

Comment T-15 (Fremont): Reference page 3.12-62, Table 3.12-12 of the Draft EIR. The right-turn lane designations should be double checked on this table, particularly regarding the "" and "***" footnotes. According to this table, some intersection approaches do not have right turn lanes. For example, see northbound and southbound Warm Springs/Kato/Scott Creek. (PW)*

Response T-15: The double asterisk (**) footnote on Table 3.12-12 indicates that one through lane also serves right turning traffic. This notation should only have been made when there was *also* a dedicated right turn lane. Locations where no right turn lane is shown have right turn movements accommodated from the right-most through lane. Therefore, the only place this notation should appear is at the intersection of Warm Springs Boulevard/Kato Road - Scott Creek Road, where the westbound approach, under improved conditions has a dedicated right turn lane, as well as a shared through-right lane.

At the intersection of Milmont Drive and Kato Road, the double asterisk is used incorrectly. Here, the *left* turn movement is shared with a through lane, resulting in a dedicated left, a shared through/left, and a shared through/right lane. A separate symbol (***) has been added to the table to clarify this information.

Comment T-16 (Fremont): Reference page 3.12-63, Table 3.12-13 of the Draft EIR. Why are some intersections designated as "NA" under the column labeled "Impact of Mitigation" when mitigation has been applied. For example, see Driscoll/Osgood/Washington. (PW)

Response T-16: The NA refers to intersections where implementation of Fremont future plans have been assumed (see page 3.12-23 of the Draft EIR), and for which no additional mitigation is necessary. The mitigation measures listed as NA were generally taken from the Traffic Impact Fee Study. In June 1991, the City Council passed ordinances authorizing imposition of fees for traffic (Section 8-9302 of the Fremont Municipal code) and in September 1991, the City Council passed a resolution establishing a traffic impact fee to be imposed on each new development in the City. Since the City is collecting impact fees from developers to fund intersection improvements, the City is obligated to make these improvements or refund the fees collected.

Comment T-17 (Fremont): Reference page 3.12-67 of the Draft EIR. I-680 Northbound Ramps-Luzon/Washington - The City is not planning any particular improvements for this intersection, as stated in the text. (PW)

Response T-17: The City's comment has been noted. The Draft EIR mistakenly assumed the improvements indicated. The improvements noted should be considered those needed above and beyond those planned by the City of Fremont. Table 3.12-13 has been revised to reflect this change, and page 3.12-67 has been modified as follows:

Page 3.12-67, third bullet: remove reference to improvements at this intersection being planned by the City of Fremont. Reword as follows:

- At I-680 Northbound Ramps-Luzon/Washington Boulevard, add a second left turn lane on the southbound and eastbound approaches. These improvements would be needed with or without the proposed project. There would be no residual impact.

Comment T-18 (Fremont): Reference page 3.12-67 of the Draft EIR. I-680 Northbound Ramps/Durham Road - The statement about the eastbound-to- southbound right-turn movement being made free-flowing does not make sense (page 3.12-67). It is already free-flowing. This movement is the on-ramp to the freeway. Our planned improvements to this intersection are as follows: northbound - same as existing; southbound -1 LT, 1 LT+TH, 1 RT; eastbound - 2 LT, 2 TH, and one free RT; and westbound -1 LT, 2 TH, 1 RT. (PW)

Response T-18: The City's comments have been noted and incorporated into the analysis. The planned improvements indicated are adequate to mitigate future deficiencies. The following changes have been made:

Table 3.12-13 has been changed to reflect the City's plans.

Page 3.12-67, last bullet; reword as follows:

- At I-680 Northbound Ramps/Durham Road, the City's planned improvements are adequate. These improvements involve restriping the center lane as a through-left lane on the southbound approach, adding a second left turn lane on the eastbound approach, and adding a right turn lane on the westbound approach.

Comment T-19 (Fremont): Reference page 3.12-68 of the Draft EIR. Fremont Boulevard/Cushing Road-I-880 Southbound Ramps - In the future, with construction of the partial cloverleaf interchange, the southbound on- and off-ramps will be split into two intersections. At the southbound off-ramp, three northbound through lanes and two southbound through lanes should be adequate. The Fremont/Cushing intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. This will require the prohibition of U-turns for the northbound approach. (PW)

Response T-19: The suggestion in this comment has been tested. This improvement will adequately mitigate the intersection of Fremont Boulevard/Cushing Boulevard/I-880 southbound ramps.

Comment T-20 (Fremont): Reference page 3.12-71 of the Draft EIR. City staff disagrees with the assessment concerning Fremont Boulevard/Cushing-I-880 Southbound Ramp. This intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. See the comment above. (PW)

Response T-20: See Response T-19.

Comment T-21 (Fremont): Reference page 3.12-72 of the Draft EIR. The statement that there is little difference in transportation impacts between alternatives is difficult to believe. With the single station extension alternatives, it would seem traffic and parking impacts become more concentrated. There should be additional explanation to counter this conclusion. (PW)

Response T-21: The comment refers to Section 3.12-4 "Impacts of Design Options" and is a discussion of the effects on traffic of the design options which are contained within the Proposed Project and alternatives. The statement in the Draft EIR on page 3.12-72 within this section says, "There would be little difference in transportation impacts among the design options." The section does not refer to project alternatives with different station configurations. The Transportation section of the Draft EIR does discuss on pages 3.12-32 through 3.12-105 the differentiation of impacts between the Proposed Project and all of the alternatives.

Comment T-22 (Fremont): Reference page 3.12-79 of the Draft EIR. Alternative 8 would have a significant impact on the left turn storage lanes where the aerial structure runs along a street median. According to page 3.8-18, the aerial structure columns are spaced 70 to 80 feet apart. To span large intersections and avoid impacts on left turn lanes, the spacing would have to be on the order of 800 feet. (PW)

Response T-22: The Draft EIR has been modified to incorporate the additional impact of Alternative 8. The following changes are made:

Page 3.12-79, 1st paragraph, which currently reads:

The difference in alignment between Alternatives 6, 7 and 8 is expected to have no effect on the level of transportation impacts. They are therefore discussed together.

is reworded as follows:

The difference in alignment between Alternatives 6, 7 and 8 is expected to have little effect on the level of transportation impacts. They are therefore discussed together. However, Alternative 8, which would be an aerial alignment down the street median of Osgood Road and Warm Springs Boulevard, would constrain the ability to provide turn lanes due to the 70 - 80 foot spans between columns.

Page 3.12-87, 1st paragraph; add this paragraph:

Alternative 8 would require additional mitigation measures to accommodate the elevated span down the median of Osgood Road and Warm Springs Boulevard. This mitigation would involve lengthening and spacing the spans such that adequate room is given to accommodate turn movements at intersections.

Comment T-23 (Keenly): Reduce the size of the parking lots.

The proposed station parking lots are far larger than they should be (refer to Table 3.12-11 in the Draft EIR). As an example from the Table, the estimated parking demand in the year 2010 for

the South Warm Springs Station is 1390 vehicles while the number of stalls to be provided exceeds this number by 1010, for a total of 2400 parking stalls. Why do we need so many parking spaces? The Facciola Meat Packing plant, which is located at the southeast corner of this future station's parking lot should not need to be removed just to provide excess parking. This building, if retained, would also serve as a good visual block of an unsightly parking lot as viewed from Warm Springs Blvd. and Kato Rd.

A much better solution to the parking question would rely on a well integrated transit system providing feeder bus lines that access nearby neighborhoods thereby eliminating the need for people to use their cars to get to the parking lots! The land that would be used for parking could instead be better utilized for the integration of businesses located near a BART station. Riders could disembark the BART train and walk a block or less to their workplace. Besides, these new businesses would be paying property tax for the land on which their building sits. Unfortunately, land used for expansive BART parking lots becomes a permanent "no money generator" for the City of Fremont.

Response T-23: The conceptual designs were intended to accommodate the heaviest level of parking need among all the alternatives. Therefore, under some alternatives and the proposed project, some lots may appear to be oversized.

BART intends to size the parking lots to accommodate parking demand under the selected alternative. If the entire parking lot is not needed initially, the land which BART owns will be reserved for future expansion of the parking lot when demand warrants.

Comment T-24 (Keenly): *Construct an overpass at the tracks for vehicle traffic on Paseo Padre Parkway. The construction of an aerial alignment for BART at this intersection would only allow for the BART trains to cross Paseo Padre Parkway. Vehicles will continue to stop for SP or UP freight trains. By constructing an overpass at this street, vehicle traffic would be unaffected by any train movements whether it be BART or freight.*

Response T-24: The concept of Paseo Padre being elevated over an at-grade BART line is presented in the Draft EIR as a Design Option as described in section 2.3.2 OTHER DESIGN OPTIONS on page 2-14. The last sentence of Section 3.12.4 IMPACTS OF DESIGN OPTIONS on page 3.12-72 states that with this design option there would be benefits to auto circulation.

Comment T-25 (Allen): *Plan a major intermodal Station at Irvington with direct I-680 access.*

- *Avoid traffic impacts of using city streets.*
- *Provide quick, direct access for buses, carpools, and motorists using existing structure once planned for SR 238 freeway.*

- *Consider parking tolls to help fund the facility.*

Response T-25: The Irvington Station is already planned as a timed transfer center by AC Transit. The addition of BART, with park-and-ride lots would add to its intermodal transfer function.

For additional discussion regarding direct I-680 access, see Response T-7. Parking fees are discussed in Response T-6.

Comment T-26 (Allen): I-680 access at Irvington: Link I-680 directly with a major intermodal facility at Irvington.

- *Avoid use of surface streets for traffic to/from Milpitas and San Jose.*
- *Use the existing separation built for the since-abandoned SR 238.*
- *Speed I-680 buses directly to and from the bus loading area.*
- *Consider a substantial parking fee in structure for non-carpool autos using the direct I-680 access.*

Response T-26: See responses T-6 and T-7.

Comment T-27 (IBA): Most importantly, we believe the Irvington Station will become an excellent multi-model transportation hub. AC Transit has plans to operate a transit center at the station site. The State of California and the Federal Highway System has completed an interstate off ramp for the abandoned I-238/680 interchange project. This existing interstate connection is within ¼ mile of the Irvington Station's planned parking area.

The numerous environmental benefits to the City of Fremont, i.e., street traffic, noise, air pollution, etc., warrant full investigation of this transportation opportunity.

This concept was discussed at prior BART community meetings; however, it is not mentioned in the DEIR.

Response T-27: See responses T-7 and T-25.

Comment T-28 (Kliment): BART's Warm Springs Extension will only serve a select population--especially those who live outside Fremont. It seem Santa Clara County is not interested in BART. Their preference is for a light rail system. Four stations in Fremont with parking will only encourage non-tax supporting commuters to drive over our already over-loaded streets. All that these BART stations will accomplish is a transfer of the traffic from the surrounding freeways onto

our city streets. Fremont will then have additional SMOG, noise pollution and traffic problems. Why should Fremont be burdened, suffer more degradation, expenses and property devaluation?

Response T-28: Comment noted. The purpose of the EIR is to identify and mitigate the impacts discussed in this paragraph.

Comment T-29 (Queen): IMPACT ON RAIL FREIGHT SERVICE: This EIR must present both the circumstances and the possible impact on rail freight service in terms of traffic, cost, operating schedules, etc. Local government's lack of policy and "political will" in support of industry generally and Ocean (Marine) Commerce and related Public Trust Use of Land activities (ship repair, fisheries, et al) and rail commerce specifically has resulted in a series of activities being undertaken to rezone public and private property as non-industrial areas (see ref #18, #19). San Francisco Bay is considered one, if not the best, deep-water port in the world. There are countries that have started wars to gain access to a deep-water port. In sum, Seaports cannot survive or expand without modern facilities, adequate backland area, and efficient rail freight services.

Response T-29: The impact on rail freight service was addressed in the Draft EIR beginning on page 3.12-48.

Comment T-30 (FCC): Because of the existing Interstate 680-238 Interchange property adjacent to BART property in Irvington, the Irvington station has the ability to become an ideal multi-modal transportation hub. For some reason, this interchange was not addressed in the Draft EIR.

Response T-30: See responses T-7 and T-25.

Comment T-31 (SPTCo): Page 3.12-20, Rail Lines - The rail crossings are controlled by crossing signals with automatic gates, not "barriers." (See California PUC General Order NO. 75.)

Response T-31: Comment noted. Page 3.12-20 second line under Rail Lines and word "barriers" is replaced with "automatic gates".

Comment T-32 (Johnson): The Irvington Station Site is a good one, it serves a large residential area and has good access from I-680, which can be greatly improved by building an interchange with Blacow Road. This interchange would use the ramps initially intended for the SR 238 Foothill Freeway and intersect new ramps from I-680 north and a Blacow Road extension from Osgood Road. This, along with a Blacow Road railroad underpass, would greatly improve traffic patterns and BART access. Optionally, a road parallel to Osgood Road could be built from the new freeway interchange to BART parking.

Response T-32: See responses T-7 and T-25.

Comment T-33 (PH-Fremont): Clearly identifying BART's responsibility for traffic mitigation measures.

Response T-33: See responses T-7 and T-13.

Comment T-34 (PH-Rumbolz): Also, CalTrain's short-range plan calls for the coming over the Dumbarton rail bridge to Fremont within a very short time and we expect BART and CalTrain to have a station there for a transfer, again, so passengers can come over from the west bay and get off if they want and then transfer to BART.

Response T-34: Connectivity to any future rail service across the Dumbarton bridge requires use of connecting SPTCo tracks through the Centerville District of Fremont with a new track extension to the Fremont BART station or alternatively using existing UPRR or SPTCo tracks near Niles junction to connect with BART at the Union City BART station.

Comment T-35 (PH-Hirsch): Number one, it allows us to complete the existing transportation problems that we have in the area, as the gentleman before me indicated. Because right now, if you try to go through that area with the trains going through morning and evening, it really is a traffic problem. This gives us a golden opportunity with recessed railroad tracks and with BART going through the area, to really take care of that problem and to really do things the right way to minimize the impact and to improve overall traffic circulation. Also, if the lines are handled in the right way, it will improve the quality of life for a lot of people who live in that area and have businesses in that area as well.

Response T-35: Comment noted.

Comment T-36 (PH-Pease/IBA): The Irvington Station has strong support from the community, and also, we were at the community workshop. One of the things that was brought up at that particular time was the option of making the Irvington Station a multi-modal transportation hub, combining AC Transit along with BART and the automobile.

Response T-36: See response T-7 and T-25.

Comment T-37 (PH-Pease/IBA): And one of the possibilities of doing that is that the current 680 freeway goes right through and makes a curve or sharp bend just above Osgood Road. There's an overpass or interchange that's already completed that goes nowhere, and that was to take care of the proposed freeway running along the hillside. With a little bit of thought, that particular interchange can go directly right down into the Irvington Station parking lot and eliminate traffic coming down from either Santa Clara County and/or the Pleasanton/Sunol area which will take off the Fremont streets. Why that's not addressed in the EIR, I'm not sure. I didn't find it.

Response T-37: See Response T-7.

Comment T-38 (PH-Norman): I, too, would like to address the issue of the draft Environmental Impact Report not addressing the issue of the 238 abandoned right-of-way and using that right-

of-way as direct access to the Irvington Station. I certainly hope that that matter will be addressed by the time the final Environmental Impact Report comes out.

Response T-38: See Response T-7.

Comment T-39 (PH-Allen): One other point I would like to make: Interstate 680, the access at Irvington, it's been mentioned before and I've mentioned it repeatedly. There is a freeway interchange which is now unused. And it would aim directly down. It ends about a half mile short of the BART Irvington Station. You could go directly into a intermodule structure, parking, buses, everything. You could charge parking tolls on that which would basically apply only to people coming up from Santa Clara County, and I think that they would much rather pay, say, pay a dollar to go directly into a parking structure rather than go on through all the roundabouts on city streets and clog up your streets.

Response T-39: See Response T-7 concerning I-680 and T-6 concerning parking fees.

Comment T-40 (PH-Keenly): I also have something against the parking lots. I think we should work towards increasing the bus service to the parking lots or to the area of the stations and decrease the size of the parking lots. I'm not sure if we need 2300 parking spots at most of these stations, even on the Southern Warm Springs Station. There's a meat packing plant. I don't know if they've been notified, but they're building is going to be removed under the design of the parking lot. I'm sure they probably wouldn't be too happy about that.

Response T-40: See Response T-23.

3.14 COMMENTS AND RESPONSES ON NOISE AND VIBRATION

Comment N-1 (Fremont): Noise and Vibration Mitigation: One of the most frequently voiced concerns expressed by residents living near the proposed BART extension alignment relates to noise and vibration impacts, especially the noise bounce-off effect if sound barrier walls are only installed between the tracks. BART should commit to meet with impacted residents and property owners and implement noise and vibration measures which resolve their concerns. The draft EIR concludes noise barriers are required along much of the alignment. The City of Fremont urges BART to select an alignment which minimizes noise impacts and declare its intent to install noise barriers to protect existing residences and other sensitive noise receptors along the extension alignment. BART should also declare its intent to use rail and ballast installation techniques for BART and railroad tracks which minimize vibration and ground-borne noise.

Response N-1: The Draft EIR in Section 3.13 discusses where noise and vibration impacts are projected to occur for the Proposed Project and each of the alternatives; also discussed are methods or techniques that would be used to mitigate those impacts in all affected areas for the Proposed Project, the project alternatives and design options, and any other project-related

changes. Depending on the selected extension project, BART would mitigate the effects of increased noise by constructing appropriate mitigations to lessen those impacts.

The sound barrier wall as currently proposed for mitigation of BART train noise would be in between the southbound BART tracks and the SPTCo tracks. An insignificant amount of sound from freight trains on the SPTCo tracks would be reflected back by the BART sound wall to the residential community on the west side of the tracks, because only a portion of the noise energy is reflected, the freight train cars will provide some shielding of the reflected noise, and the sound level is reduced or attenuated the farther the sound waves travel. In this case the extra distance the noise emitted on the eastern side of the train must travel is approximately 25 feet--for a total of 95 feet--compared to the approximately 70 feet the sound travels from the west side of the train. The combined effects of reflected noise, attenuation due to distance and shielding means that there would be no significant change over the current levels of freight train noise.

The Draft EIR also states, on page 3.13-22,..."final noise predictions and specific details of noise mitigation measures (e.g., exact height, location, and extent of sound barrier walls) would be determined in the final engineering design phase of the project." BART would meet with the Fremont community to present its detailed plan of noise and vibration mitigations during the final engineering design phase of the project.

Comment N-2 (Fremont): Reference page 3.13-23 of the Draft EIR. The assumption the noise of the BART trains would have little, if any, impact on wildlife is incorrect. The significant impacts related to noise in the Lake Elizabeth area with implementation of the aerial structure design would inhibit wildlife movement patterns and breeding in the area. The text mentions that passbys typically last no longer than 15 seconds, and would only result in a minor and temporary impact on wildlife. However, passbys would occur every 2.25 minutes during peak periods, and every 3.75 minutes at other times. This represents a reoccurring noise and vibration pattern which would definitely create a permanent impact on wildlife movement and habitat patterns. In other words, birds and wildlife would avoid the affected corridor all together.

Additionally, the text also states no reported instances of detriment to wildlife due to operational noise along the existing BART corridor have been observed, which indicates there would be no significant noise impact on wildlife. This assumption is based on a comparison of completely different environmental settings. There exists no other area in the BART corridor resembling the environmental makeup of the Central Park area, which contains the diversity of wildlife present there. In fact, the only similar setting might be the Lake Merritt area, and BART is an underground subway through the area, thereby eliminating the adverse noise impacts to both wildlife and people. The consultant should reassess the impact of project related noise on wildlife. (CDD/LS)

Response N-2: In the Ecology section of the Draft EIR, on page 3.5-19, it is stated that:

Operating impacts from increased noise from frequent train passage could deter species such as Cooper's hawks, black-shouldered kites, and northern harriers from roosting in the trees. Noise could also deter migratory birds from resting and foraging in the riparian forest. These are considered significant impacts given the rarity of this habitat.

The impact on these animals is based on the sensitivity of these particular species and the rarity of this type of habitat. The ecologists and the acoustical engineers working on the study agree that there is insufficient evidence to support a general conclusion that, outside of the riparian forest, the operation of the BART trains through Central Park or at other locations along the corridor would create a significant noise impact on wildlife.

In general, wildlife in the wild, and raptors in particular, have been observed to habituate to the noises created by humans.⁴⁵⁶⁷ Noises that cause the greatest disturbance are those that are loud and sudden such as sonic booms or blasts, but even these noises are tolerated to some degree.⁸⁹ Consequently, wildlife close to urban areas should be even more accepting of noise from humans, because of more frequent exposure to such noises. Raptors have been observed to even take advantage of loud noise caused by humans (e.g., freight train) to flush prey.¹⁰ Another benefit to a bird of prey would be the masking, provided by train noise, of the noise of the raptor's wings just prior to capture of their prey, thereby making foraging easier for the raptor. One study found that the presence of humans associated with the noise were more

⁴ "Compatibility of Bald Eagles with PG&E Facilities and Operation," Pacific Gas & Electric Company Report 009.4-88.9, 1988.

⁵ "A Study of the Effect of Drilling on Eagle Behavior at Overwintering Roost Sites on Pine Mountain, Natrona County, Wyoming," University of Wyoming-Raptors Research and Statistical Consulting Center, 1985.

⁶ "Survey and Inventory of Raptors Along the Upper Missouri River, Montana," Department of Biology, Montana State University, 1990.

⁷ "Reproduction of Ferruginous Hawks Exposed to Controlled Disturbance," *The Condor* 87, 1985, M.W. Cooper and T.L. Thurow.

⁸ "Behavior and Productivity of Nesting Prairie Falcons in Relation to Construction Activities at Swan Fans Dam," Idaho Power Company, 1989.

⁹ "Eastern Wild Turkey Behavioral Response Induced by Sonic Boom," in *Effects of Noise on Wildlife*, eds. Fletcher and Busnel, 1978.

¹⁰ Personal Communication with John Aikin of the San Francisco Zoo.

disruptive than machinery with no human visible.¹¹ BART trains would have no associated human activity.

One area along the existing BART system with riparian and open water habitats that are very close to the BART lines is found north of the Fremont Station where the BART line crosses Alameda Creek and the ACWD groundwater recharge ponds. In addition, the tule pond, which is recognized as a valuable habitat area, lies beside the BART parking lot.

There are numerous important wetland and riparian habitats in the Bay Area that have high noise exposures yet maintain a high wildlife value. Several examples follow. The Emeryville Crescent mudflats, which were formed as a result of the construction of the Bay Bridge toll plaza, are home to many species and greatly affected by I-80 traffic noise. Endangered terns nest on beaches with exceedingly high noise exposure because they are adjacent to active Oakland Airport runways. Portions of the San Francisco Bay National Wildlife Refuge lie within the noise impact zones of the San Mateo and Dumbarton Bridges. Wetland habitat that provides cover for the endangered San Francisco Garter Snake, as well as numerous birds, is found between the rail corridor and Route 101 adjacent to the San Francisco Airport approach ramps. Many miles of I-280 pass adjacent to protected habitat of the San Francisco watershed lands.

The well-regarded report by the Bay Institute on dikes historic baylands provided case studies of 12 development proposals around the Bay that now provide important wildlife habitat or that present significant opportunities for habitat enhancement.¹² Of these 12 projects, 6 are adjacent to transportation corridors or other significant sources of noise. These include the Leonard Property, beside Highway 37 in Sonoma County; Cullinan Ranch, beside Highway 37 near Vallejo¹³; White Slough, near Vallejo, which is bisected by Highway 37; Shell Marsh, beside I-680 in Martinez; the Clayton Homes site in San Leandro, where noise levels exceed EPA and City standards for residential use; the Shorelands site in Hayward, adjacent to Highway 92, and Port of Oakland land adjacent to the Airport.

Although it is possible to conclude that the BART train noise would have no significant impact on wildlife in other habitats in the Corridor, it is not possible to conclude that the impact of BART noise on nesting birds in the riparian forest adjacent to Central Park would be below a level of significance. The availability of existing published scientific data relating to the impact

¹¹ "Response of Breeding Peregrine Falcons to Human Stimuli," T.H. Johnson, Southwest Raptor Management Symposium and Workshop, 1988.

¹² San Francisco Bay Institute, *Citizens Report on the Diked Historic Baylands of San Francisco Bay*, Sausalito, 1987.

¹³ This site was purchased in 1991 for a major habitat restoration project using Federal and State Funds.

of BART train noise on Cooper's Hawks, other indigenous raptors, and song birds nesting in the riparian forest area close to Central Park is insufficient at this time to arrive at a definitive conclusion.

Communication with the United States Department of Fish and Wildlife Service¹⁴ and the California Department of Fish and Game revealed no noise criterion appropriate for protecting nesting raptors or song birds. However, a threshold level of noise from BART trains that might deter the Cooper's Hawk or other sensitive birds from nesting in the riparian forest area could be determined by studying resident populations and other populations in areas close to noise sources in the Bay Area. Based on available literature, this threshold appears to be in the range of 70 dBA to 80 dBA.¹⁵

With the standard sound barrier wall mitigation for the aerial structure, a level of 70 dBA would be achieved at 300 feet during peak hour operation for the Preferred Alternative and 200 feet during off-peak hour operation. A level of 80 dBA would be achieved within less than 50 feet at all times with the normal aerial structure sound barrier wall. For the higher possible threshold noise level of 80 dBA, very little of the riparian forest would be affected, whereas for the lower level much of the riparian forest through which the Proposed Project alignment would pass would be affected.

As noted in Section 3.5, Ecosystems, the Proposed Project would create potentially significant cumulative impacts on various bird species, including Cooper's Hawks, due to habitat fragmentation that would make the project area less suitable for breeding and foraging. Although somewhat inconclusive, a cautious interpretation of the available research regarding noise effects on raptors supports the conclusion that the introduction of noise from BART trains could contribute to this impact, by reducing the available habitat suitable for raptor breeding, and for Cooper's Hawks in particular. Habitat fragmentation was identified as a residual impact in the Ecosystems section of the Draft EIR.

Comment N-3 (Fremont): Reference page 3.13-34 of the Draft EIR. Under Residual Noise and Vibration Impacts After Mitigation, the Draft EIR states residual noise impacts cannot be mitigated in the far northeastern part of Lake Elizabeth and Central Park with the proposed project. Since this residual impact would exist with the proposed project and all of the alternatives which incorporate the aerial structure, the only option available to mitigate this impact is to underground the rail line through this area. This should be suggested as a mitigation measure.

Response N-3: See Response CP-1.

¹⁴ Personal Communication with L. Solata and Pete Sorenson with USFWS.

¹⁵ "Southwest Sewage Treatment Facilities, Final Environmental Impact Report," City and County of San Francisco, 1988.

Comment N-4 (Fremont): Reference page 3.13-34 of the Draft EIR. Additionally, the Draft EIR also states that approximately 7.5 percent of the park would be affected. This is misleading and minimizes the actual noise related impact of the aerial structure. The noise impact would occur in a corridor which physically bisects the park, decreasing the value of the recreational experience for people picnicking, walking, jogging, boating, and engaging in other sporting activities in the park. (CDD)

Response N-4: The Draft EIR indicates that 33 acres (7.5 percent) of Central Park would experience a significant residual noise impact, after mitigation. This means that the noise of the BART trains would decrease the value of the recreational experience for people walking, jogging, boating, etc. within the zone of impact.

Comment N-5 (Allen): Page 3.13-20: The "Transit System Noise Characteristics" box could well include a comment about curve noise, e.g., gauge squeal, tread slip.

Response N-5: Inclusion of a discussion of special curve, noise sources is a useful suggestion and will be implemented in the future. In the case of the BART Warm Springs Extension, the curves are of sufficiently large radius and gauge tolerances that should be adequate to avoid any significant noise impact beyond what has already been projected in the Draft EIR.

Comment N-6 (Kliment): BART's proposed 2A Aerial or 3 Aerial are completely unacceptable. These alignments could exceed the Federal Noise Standards. Having BART passing our home constantly from early morning till midnight (perhaps extended hours in the future) will impose on our privacy with people looking in our house and yard. Our kitchen, den and master bedroom have large sliding doors and windows facing these aerial routes. To protect our privacy we would have to live with drawn drapes 24 hours a day, which is not tolerable or acceptable. The noise, vibration, visual pollution, and other endangering safety factors also make proposals 2A and 3 unacceptable.

Response N-6: The commentor's opposition to Design Options 2A and 3 is noted. The noise analysis in the Draft EIR indicates that while Design Options 2A and 3 would result in higher noise levels for the homes on the east side of the UPRR than would the Proposed Project, the proposed noise mitigation (sound barrier walls and a closed deck on the aerial structure) would reduce the noise impacts to a less than significant level. The Draft EIR identifies significant residual visual impacts for Design Option 3 at the location noted in the comment.

Comment N-7 (UPRR): Lastly, excessive vibration may occur if two trains are operating in the tunnel at the same time.

Response N-7: The two freight railroad trains would only be operating in the same subway structure under Alternative 4. In that event noise and vibration criteria would be exceeded.

Comment N-8 (Lum): After reviewing the Draft Environmental Impact Report I wish to make the following comments. We live in the noise sensitive residential area next to the UPRR track therefore we are especially with the alignments proposed for Central Park. In the report the noise introduced by Option #3 with mitigation is not considered significant. The criteria used is L_{dn} that is the average over a 24-hour period. I do not think this is realistic because the peak noise over time will result in a smaller value than the peak. Also, L_{dn} weighs the noise at night more greatly than the noise during the day. Since BART does not run at night the noise during the day is deemphasized. What is the expected peak noise with the sound barriers? Granted the trains on the UPRR track will make more noise as they go by then a BART train but the UP trains come by six or seven times a day. BART trains will come by much more often (10-20 min.) but at a lower noise level. This I feel will be much more of an annoyance.

Response N-8: The noise impact evaluation for the BART Warm Springs Extension considers both the impact of noise due to individual train passbys and the cumulative effect of numerous train passbys. The cumulative noise impact takes into account the totality of noise at a specific location in the community and is measured in terms of the energy average of noise over time (e.g., L_{eq} , L_{dn}), which is also referred to as noise exposure. These two different ways of measuring noise (i.e., individual passby and exposure) can not be compared directly. Therefore, whether the passby noise is greater than the energy average noise is not of great importance. What is significant is that the individual train passby noise levels satisfy the APTA noise criteria (see Tables 3.13-2, 3.13-3 and 3.13-4) and that the time averaged noise levels satisfy the UMTA noise criteria (see Page 3.13-4). The noise levels projected with the implementation of sound barrier walls are indicated (see "Predicted Operational Noise Levels With Mitigation") in the tables in Appendix E of the Draft EIR. For Design Option 3, refer to Pages 6 and 7 of Appendix E.

Comment N-9 (Olson): As mentioned in the beginning of this letter, we have a personal interest in how the BART extension traverses Central Park. Two of the options (B and C) place the aerial tracks along the UP railroad tracks which borders the backyard of many residences along Valdez way in Fremont. It is extremely insensitive on the part of the Draft EIR to state that:

Because the proposed BART extension generally follows the existing Southern Pacific and Union Pacific Railroad corridor, many of the noise-sensitive receptors are already exposed to significant noise levels.

It should be noted that there is a significant difference in the impact of a UP train that uses the track only once every three to six hours and a BART train that would go by every seven and a half minutes and produce a sound level such that

Homes along Valdez Drive which back up against the UP railroad tracks would be exposed to maximum noise levels exceeding the absolute noise impact criterion for all three aerial options. Option C would be located close enough to these homes to also exceed UMTA's criterion for relative noise impact.

My experience is that the Union Pacific train noise is tolerable because it occurs relatively infrequently. An aerial route next to Valdez Way along the UP tracks would cause the frequency of these events that exceed the absolute noise limits to increase by 30 to 60 times given an average interval of 3 to 7.5 minutes between BART trains (two routes, each with a 15-minute departure schedule with both northbound and southbound trains). As such, we urge that BART strive to use the route through Central Park that minimizes the impact on the noise and vibration levels affecting the residences adjoining the UP railroad tracks along Valdez Way.

Response N-9: The referenced quotes are from the previous Draft EIR. The Draft EIR indicates a significant noise impact for Design Option 3 on page 3.13-36, but indicates (on page 3.13-38) that with sound barrier walls on both sides of the aerial structures and a closed deck, homes on the east side of the UPRR (near Valdez Way) would experience a 1 dBA increase in the L_{dn} for residences in this area; this would not be a significant impact.

Comment N-10 (PH-Kliment): Now, I would be concerned about BART. It if has to be any way, the subway would be the way to go. If it goes, I read the report and it said, now it said on Valdez and Vaca, the noise now exceeds the APTA criterion, right now as it is.

Response N-10: Presumably this comment is made with reference to Page 3.13-17 of the Draft EIR and the discussion of the existing noise environment. The existing noise environment adjacent to the SPTCo and the UPRR tracks exceeds the City of Fremont guidelines (as indicated by the Noise Element of the City's General Plan) for residential land use, but there was no discussion in the Draft EIR of APTA criteria in relation to the existing noise environment as this would not be appropriate. The APTA criteria only have meaning for rail transit system noise. Furthermore, the comment appears to be referring to the ambient noise and vibration monitoring that was an integral part of the BART Warm Springs Extension Draft EIR.

Comment N-11 (PH-Kliment): Also, they say there's going to be 139 sensors placed somewhere in this area, this new line. And they say the sensors are quite loud and they would have to be--I didn't quite understand it because I read this rather rapidly--encased in some kind of wall. I'm not sure about that.

Response N-11: This comment appears to be referring to the number of receptors (e.g., residences, school, churches) affected by a significant noise impact. Except for Central Park, with sound barrier walls it will be possible to mitigate all noise impacts to a level that is less than significant.

Comment N-12 (PH-Seymour): It's noted, the possibility of moving the Union Pacific tracks closer to my house and adding two more tracks would add more noise pollution. And I notice that they only talk about putting a seven-foot sound wall on BART track only.

I have a two-story house next to the railroad track. My master bedroom window is 58 feet from the Southern Pacific Railroad tracks. And I am very worried about the added noise pollution that this is going to generate. And you made no mention in your Environmental Impact Report about the two-story houses on the railroad right-of-way, and you talked about single-family dwellings which leads me to believe that you did not notice the two-story houses along there.

Response N-12: In the area of Ronald Court, which is just north of Blacow Road, Alternative 4 would relocate the UPRR tracks 20 feet to the west, which would allow BART to be located further east resulting in lower noise levels from BART trains for this particular alternative. The noise levels from individual freight trains would not be any greater than now, because the SPTCo tracks would not be moved and would still be closer than either the UPRR and BART.

Use of the terminology "single-family" residence refers to the number of families dwelling in one building and not the number of building stories. Residences on Ronald Court would be approximately 110 feet from the BART tracks and a seven foot high sound barrier wall adjacent to the BART tracks (approximately 10 to 12 feet away from the nearest track) would provide adequate shielding of noise even for the second story. However, the actual design height of the sound barrier wall will be determined in the engineering phase of the project, in which the height may be varied to adjust for a different location.

Comment N-13 (PH-Higgason): I've got a few questions, one, I did ask a question at the May 20 meeting about sound bounce off against the BART trains and the trains when they go by at the same time. I didn't find it in the Environmental Impact Report anywhere. It wasn't covered.

And now they're talking about putting a sound barrier wall on each side of the BART train seven feet high, but inside, not outside, on either side of the railroad tracks. To my mind, that impacts that even more with more sound bounce off when the BART goes by and the trains go by. And it doesn't alleviate any problems. It just makes a greater problem. So I'd really like to know where the impacts are.

Response N-13: The sound barrier wall will reduce noise levels of BART to levels below a level of significance. The sound barrier wall would not significantly increase the noise from freight trains on the closest track and would lessen the noise from freight trains on the far side of BART due to the sound barrier. (See also response N-1)

Comment N-14 (PH-Higgason): And as far as the school goes, how is that going to affect the sound on them because if they want an Irvington District Station, from what my understanding is when that train comes out and goes into Irvington District Station, it will sound off its horns behind our house. They've talked about some switches that make lots of noise back there. All I'm hearing is more noise. I'm not seeing anything getting rid of any of it. And I don't see how that's going to help me one bit.

Response N-14: The Draft EIR in Section 3.13 discusses where noise and vibration impacts would be likely with the implementation of an extension and what methods or techniques would be used to mitigate those impacts in all affected areas for the Proposed Project, the project alternatives and design options and other project-related changes. The EIR indicates that mitigation measures can reduce the noise and vibration to acceptable levels except for a few residences adjacent to the track crossovers near Blacow Road, unless special switches and resiliently supported ties are used. (page 3.13-34)

Comment N-15 (PH-Aihara): And reading about the recent incidents, the railroad derailments, doesn't make me feel any better. But the addition of BART in that area is also a real concern. When Mary Jo brought up the point about the concurrence of the trains running and BART running at the same time and what kinds of noise impact that would have, that was addressed at one of the previous meetings for the draft Environmental Impact Report. And from what I understand, I certainly couldn't find that mentioned.

Response N-15: The methodology used for assessing the impacts is described at the top of page 3.13-12 of the Draft EIR. The cumulative noise impact of BART trains, freight trains on both the UPRR and SPTCo tracks and other noise sources was evaluated using the UMTA criteria (described on page 3.13-4 of the Draft EIR), which considers the relative change in the energy average noise level measures such L_{eq} and L_{dn} . The determination of the relative changes was made by adding the project-related noise to the monitored existing noise levels (see Table 3.3-10) and correcting for such factors as nighttime noise. Simply stated, use of the UMTA criteria requires consideration of the cumulative noise of both the existing freight trains and BART trains (as well as auto traffic and other sources of noise).

Comment N-16 (PH-Aihara): Plus now what sounds like the option of putting large sound walls in between the tracks, the BART tracks and the railroad tracks, that seems like that would exacerbate that situation. It would cause more sound bounce off to our homes and to the Grimmer Elementary School. I have a nine-year-old that goes there now, and we also have a two-year-old. And hopefully in the future -- Grimmer has been a very good elementary school, and we'd like to keep it that way and help improve it.

We have lived with the sound of the railroads as they're going by now, and it is excessive, but it's not that frequent. With BART in there, it seems like the sound will be a lot more frequent. From what I understand, it doesn't seem like there was that much thought as to the placement of the walls. If the walls could be in between all the noise and receptors, that would be one thing, but it seems like they're only putting them by the BART tracks.

Response N-16: Sound bounce is discussed in responses N-1 and N-3.

BART train noise will be less than the freight train noise and the effects of more frequent BART noise has been addressed in the evaluation using the UMTA criteria. Placement of the sound barrier wall is BART's decision. If the sound barrier wall were placed further away from

the BART tracks, it would have to be higher to achieve the same amount of noise reduction. The proposed location of the BART sound barrier wall is based on BART's clearance requirements and a minimum wall height necessary to satisfy the APTA criteria and result in no significant noise impact. The proposed sound barrier wall would be adjacent to Grimmer School as well as residences in the neighborhood of Blacow Road.

3.15 COMMENTS AND RESPONSES ON AIR QUALITY

Comment AQ-1 (Fremont): Reference page 3.14-6 of the Draft EIR. Dust from construction will be a serious problem to pedestrians after 1:00 p.m. Twice a day watering in this open area used by many park visitors would be inadequate. (LS)

Response AQ-1: BART specifications for construction will require the contractor to control construction-generated dust at all times regardless of the number of waterings that may be required. At a minimum it would be twice daily.

Comment AQ-2 (UPRR): First, without adequate ventilation there will be smoke buildup in the subway, especially when two trains are operating at the same time.

Response AQ-2: Ventilation of the tunnel would be incorporated in the design of the project if Alternative 4 is chosen as the project for implementation.

3.16 COMMENTS AND RESPONSES ON SIGNIFICANT UNAVOIDABLE ADVERSE EFFECTS

Comment SE-1 (Fremont): Reference page 5-2 of the Draft EIR. If it were not for the Blacow Road extension, the Fremont Boulevard/Bay Street/Washington Boulevard intersection would be even more heavily impacted. It is, therefore, necessary to mitigate the impacts at this intersection.

Response SE-1: The Blacow Road extension is important to the Driscoll Road/Osgood Road and Washington Boulevard intersection as well as the Fremont Boulevard/Bay Street/Washington Boulevard intersection. The Draft EIR identified the Blacow Road underpass as necessary to mitigate cumulative traffic conditions with or without the Irvington BART Station. As stated in the Draft EIR, page 5-2 there is no further feasible mitigation and an unavoidable impact remains.

Comment SE-2 (Fremont): Reference page 5-2 of the Draft EIR. Other intersections experiencing significant unavoidable adverse impacts include: (1) Mission/Mohave, (2) Mission/Warm Springs, (3) I-680 SB Ramps/Durham Road and (4) Warm Springs/Scott Creek/Kato. According to Tables 3.12-12 and 3.12-13, these intersections all experience V/C ratios greater than 0.85, either in 1998 or 2010. (PW)

Response SE-2: The following paragraph is added between the sixth and seventh paragraphs on page 5-2 of the Draft EIR:

The intersections of I-680 SB Ramps/Washington Blvd, I-680 SB Ramps/Durham Rd, Mohave Dr/Mission Blvd, and Warm Springs Blvd/Kato Rd-Scott Creek would operate at V/C ratios greater than 0.85 after mitigation and are significant unavoidable adverse impacts.

Comment SE-3 (PH-Aihara): Another thing, too, is really it's only really highlighted in Alternative 8 which is, I believe, the aerial that there would be significant residual impacts on residences and the school. I mean, on all the design options and alternatives, Grimmer Elementary is next to the train track. And it is, as far as I know, the one school that would be impacted by just about all of them except for the one that goes down by Osgood.

Response SE-3: All of the alignment alternatives can be mitigated so as not to have significant residual impacts on Grimmer school and the adjacent neighborhood as enumerated in the Noise and Vibration section of the Draft EIR on page 3.13-24 (impact) and 3.13-33 (mitigation) and the Visual and Aesthetic Quality section on page 3.8-22.

3.17 COMMENTS AND RESPONSES ON CUMULATIVE IMPACTS

Comment CU-1 (Caltrans): Section G (sic 6), concerning Cumulative Impacts should include the Interstate 680 to Interstate 880 cross connector project and how it relates to the Bart Warm Springs Extension Project.

Response CU-1: The I-680 to I-880 cross connector project is included in the assumptions for the cumulative analysis, which is consistent with the City of Fremont traffic model assumptions. This is described in the first bullet on page 3.12-23 of the Draft EIR.

Comment CU-2 (Fremont): Reference page 6-2 of the Draft EIR. Under Visual Quality, the assumption is made that development and maturation of plantings will create a more complex environment in Central Park capable of absorbing the visual intrusion of the aerial structure. The assumption that the addition of buildings to the park complex would absorb the visual impact of the structure is purely speculative. As discussed under the Visual and Aesthetic section above, any further development in the park area is conceptual only at this time, and yet to be designed and approved. (CDD)

Response CU-2: See responses V-2 and V-3.

Comment CU-3 (Fremont): Reference page 6-2 of the Draft EIR. The cumulative impacts discussion should include reference to future development of Central Park. More intensive

development throughout Central Park may become more acceptable to future planners if the park is impacted by an aerial structure. In particular, the open space between UPRR and SPRR is currently planned for golf. Should the proposed BART project use aerial alternates in this area, golf may be impractical. Substantial acreage could then become available for other recreation development projects which would include buildings of one sort or another. (LS)

Response CU-3: The CEQA Guidelines require consideration of the cumulative impacts of reasonably foreseeable probable future projects whose impacts might compound or interrelate with those of the proposed project."¹⁶ With respect to Central Park, the EIR preparers met with City staff and ascertained that there were four future projects that were reasonably foreseeable or probable. Three of those four projects have the potential to interrelate with the Warm Springs Extension Alternatives. The ramifications of those three projects are addressed in the EIR, as required.

3.18 COMMENTS AND RESPONSES ON OTHER ALTERNATIVES CONSIDERED

Comment OA-1 (CTC): The draft EIR should consider the full range of available technologies, including a light rail alternative. Cost-effectiveness for the Warm Springs Extension is particularly important in light of the second comment below. Consideration may be more justifiable for a light rail alternative, in addition to consideration of the heavy rail alternative, given that the proposed Warm Springs Extension will connect directly with a light rail transit system in Santa Clara County, thus resulting in potential savings by sharing a common track, equipment and other infrastructure with that light rail system.

Response OA-1: The Draft EIR discusses in Section 9.2, the previous planning process that included a full range of mode and alignment alternatives. This study, the Fremont-South Bay Corridor Phase I Planning Study, considered a total of 35 transportation alternatives including express bus, busway, light rail transit and a "Caltrain" type of commuter service. These alternatives were subsequently screened and reduced to alternatives involving either BART or LRT modes and were further evaluated on a number of factors including connectivity, right-of-way impacts, patron access, ridership potential, capital costs, operating costs and revenues, travel time, environmental factors and overall implementation issues. The Policy Committee composed of elected representatives from MTC, BART, SCCTD and Caltrans reached a consensus based on feasibility as well as the grounds listed above that BART should be the modal alternative to be pursued for the Warm Springs Corridor.

The Warm Springs Extension as described in the EIR extends from the current end of the line Fremont BART Station south within Fremont to, at a maximum, the Santa Clara County Line. A corridor identification project for a possible future, out of the BART District, BART

¹⁶ CEQA Guidelines, §15355 (b).

extension within Santa Clara County is currently underway to investigate potential alignment options leading to the selection of a possible alignment for future right-of-way protection. Within Santa Clara County these possible alignments start at the county line and go to downtown San Jose crossing the Tasman LRT in Milpitas at a proposed multi-modal transit station. As the Tasman LRT runs roughly east-west while BART is proposed for North-South transit service, it is unlikely that there would be any potential for savings from the use of common track, equipment and other infrastructure.

Comment OA-2 (Allen): Central Park/Lake Elizabeth: Keep BART at grade (or in shallow cut) thru the park and on fill across the finger of Lake Elizabeth. Use cost savings in part to reconfigure park.

- *BART line could divide active from passive uses.*
- *Visual and sound impacts much less than with aerial structure.*
- *BART ride much more enjoyable than with tracks in tunnel.*
- *Existing finger of lake could become a silting pond/wetland.*

Response OA-2: This alternative, although attractive from the perspective of cost savings to BART, is not consistent with the City of Fremont's Master Plan for Central Park. An at-grade or shallow cut alignment, even with pedestrian overpasses, would restrict free pedestrian circulation and split continuity of the park. Either aerial or tunnel BART alignments allow free pedestrian circulation across the alignment. At-grade crossing of Lake Elizabeth would result in significant impacts on adjacent emergent seasonal wetlands and riparian forest areas.

Comment OA-3 (Allen): Grade separate railroad grade crossings before or when BART comes.

- *Paseo Padre Parkway - Build overpass or underpass*
- *Washington Blvd - Build overpass (avoid major track changes).*
- *Blacow Road - Add new overpass or underpass*
- *Warren Blvd - Separate per Caltrans plans*
- *Kato Road - Stop BART to north until it is separated.*

Response OA-3: Design Options are identified in the Draft EIR to grade separate Paseo Padre Parkway and Warren Boulevard. Blacow Road and Kato Road are proposed to be grade separated underpasses. Grade separation of Washington Boulevard is not considered desirable because of the close proximity of Driscoll Road/Osgood Road intersection with Washington Boulevard and the impacts on the properties along Washington Boulevard west of the railroads and BART alignment.

Comment OA-4 (Allen): Keep BART west of the UP - between the railroads - at their grade.

- *Work with the railroads on compatible operations.*
- *Design Warm Springs and South Warm Springs stations like Richmond.*

Response OA-4: The BART alignment for the proposed project shows BART between the two railroads (west of the UP) and at grade from just south of Washington Boulevard to just north of Grimmer Boulevard. Near Grimmer Boulevard the proposed BART alignment crosses over the UP tracks to the east, this cross over provides access to the Warm Springs Station and is necessary to avoid cross over tracks between the UPRR and the SPTCo and the SPTCo yard at the NUMMI plant. The yard and crossover tracks effectively block BART from being between the two railroads in this area. Once on the east side of the UPRR the remainder of the extension stays on the east side of the UPRR.

Comment OA-5 (Allen): Fremont Station thru Central Park: Keep BART at grade (or in shallow cut) along proposed project horizontal alignment.

- *Modify elevation of Stevenson Boulevard to conform.*
- *Modify park layout:*
 - *Use BART to divide active from passive uses.*
 - *Landscape BART and add berms if needed.*
- *Put BART on fill across north cove of Lake Elizabeth*
 - *Convert north cove to a silting pond/marsh/wetland.*
 - *Resculpt Lake Elizabeth as needed to retain water acreage.*
- *Avoid both tunnels and aerial structures so far as possible.*
 - *Save the huge costs of each.*
 - *Present riders with a pleasing vista - not just tunnel walls.*
 - *Avoid the adverse visual impacts of aerial structures.*

Response OA-5: See Response OA-2.

Comment OA-6 (Allen): Railroads, general: Explore joint operation on one railroad's line - probably UP.

- *This would be like joint Niles--Tracy operation on UP thru Niles Canyon, Sunol, Livermore, and over the Altamont.*

Grade separate streets crossing (or to cross) the BART line:

- *Nominate them for CPUC grade separation priority list.*
- *Request CPUC to factor in savings that would accrue in BART construction.*
- *Keep railroads at existing grade. Put streets over or under.*

- *Major streets to nominate:*
 - *Paseo Padre Parkway*
 - *Washington Blvd.*
 - *Blacow Road*
 - *Warren Avenue*
 - *Kato Road*
 - *Dixon Landing Road*

*Keep BART on a common grade with the railroads where possible.
Run BART between the railroads; don't leapfrog them unnecessarily.*

Response OA-6: BART has explored the potential for joint operation of the UPRR and SPTCo on one track. BART will continue to encourage such a plan as it proceeds with engineering, however such a plan is not currently accepted by the railroads. See Response OA-3 concerning grade separation of street crossings.

Comment OA-7 (Allen): Again, keep the railroads at their existing grades in Irvington, and put Washington Blvd. over the tracks.

Response OA-7: See Response OA-3.

Comment OA-8 (Schriever): Assuming that the decision is to have the BART tracks cross Central Park on an aerial structure, I would favor shifting the alignment toward the center of Lake Elizabeth and increasing the height and span of the aerial structure sufficiently to allow boats to sail underneath. Removing the structure from the eastern shoreline of the lake would greatly improve the view and the access to the shoreline for those walking along that shoreline. It would reduce the loss of playground area north of the lake to a very minimum. And finally, the increased height and the graceful arch of such an aerial structure would provide an attractive focus for the view of the lake from the western shoreline. I have never heard anyone complain that the Golden Gate Bridge spoils the view of the Bay from the shoreline in either San Francisco or Oakland. Why not build an aesthetically pleasing structure that will enhance the view across Lake Elizabeth?

Response OA-8: Relocating the BART alignment into the center of the lake would increase the number of obstacles (piers) in the lake, the wind effect on sailing, noise on the lake and the visual impact of BART from many vantage points on and around the lake. These factors together with the construction impacts for the piers in the lake support the alignment options shown in the Draft EIR.

Comment OA-9 (Schriever): I understand the desire of the Irvington businessmen to have this project include an Irvington station, but it seems to me that the site chosen for this station is just not practical. In the first place the traffic along Washington Boulevard is already congested and adding an Irvington station there would simply increase this congestion. Secondly, the proposed

design of the station requires placing the BART tracks together with both railroad tracks in a wide cut in order to cross under Washington Boulevard. Relocating the railroad tracks would add significantly to the cost of the project without providing any benefit to the community. Also, officials of the railroads have already expressed strong opposition to this plan. And finally, as I have already mentioned, the Irvington station would be located within a few hundred feet of the existing trace of the Hayward Fault. Assuming that there is a real desire to include an Irvington station in the project, I would favor moving the station toward the south to a point that would allow the railroad tracks to remain at grade. In general, I favor building the BART tracks at or above grade whenever possible since that improves the view for the passengers.

Response OA-9: The issues of traffic congestion in the vicinity of the Irvington Station are addressed in Section 3.12 of the Draft EIR. The depression of the railroad tracks along side the BART tracks under Washington Boulevard reduces train and auto conflicts on Washington near the station and improves existing traffic delays encountered when freight trains cross Washington Boulevard. Moving the Irvington Station further to the south in order to keep the railroads at grade would negate the traffic improvements gained by the grade separation. BART will work during final design to site the location of the Irvington Station so as to avoid the existing trace of the Hayward Fault.

Comment OA-10 (Queen): The following is a brief summary of an alternative proposal employing use of existing Southern Pacific or Union Pacific trackage in a manner similar to the CalTrain service currently operating in the San Francisco Peninsula.

ALIGNMENT: The alignment of the proposed BART extension from the Current Fremont Station to the Multi-Modal station (as shown) will be consistent with BART Alternatives 4-11, and may employ the most appropriate "Central Park Design Option." My preference would be the use of a subway structure beneath Central Park and/or Lake Elizabeth to ensure preservation of the natural ambience and unrestricted use of the park and lake while at the same time providing the most efficient throughput and safety of trains.

ISSUES: I ask that the following issues also be addressed in a Supplemental EIR:

- *The ability to lay two transit-only tracks along the SP and UP freight right-of-way, if needed, now or in the future.*
- *The ability to interface Alternative 12 with the SBDC's "Transit Link System" including Phase II which includes extension of CalTrain service from the Peninsula across a transit-only (rebuilt) Dumbarton bridge to the East Bay.*
- *The ability to interface these proposals with the Hannigan (ACR-132) proposal.*
- *Development of text and tables showing ridership, capital and operating costs, possible housing and business displacements, environmental considerations and mitigations, etc.*

Response OA-10: As discussed in Chapter 9, Other Alternatives Considered, Caltrain type service was examined and rejected in the Warm Springs Corridor due to low ridership. Terminating BART at a multi-modal station next to Central Park that connects with the SPTCo and UPRR railroad corridors would not provide the service level and transit improvements that the BART extension would provide to the southern portion of Fremont.

The BART alignment within the rail right-of-way demonstrates that over most of the corridor, two transit-only tracks could be constructed within the right-of-way. However, there is insufficient right-of-way for two transit tracks adjacent to the SPTCo yard between Grimmer Boulevard and Mission Boulevard.

Connectivity to any future rail service across the Dumbarton Bridge, such as the Transit Link System, requires use of connecting SPTCo tracks through the Centerville District of Fremont and the SPTCo tracks east of Central Park to the proposed Alternative 12 multi-modal station near Central Park or alternatively using the UPRR or SPTCo tracks near Niles junction to connect with BART at the Union City BART station. Both of these routes involve several miles of circuitous travel to connect with proposed Alternative 12 terminal.

Amtrak service which is being improved as a result of the Hannigan Study (ACR-132) operates on the Alviso Line west of I-880, several miles west of the BART alignment and the proposed Alternative 12 terminal.

A reasonable range of alternatives are discussed in the Draft EIR, including those described as alternatives in Chapter 2, Project Description, and those discussed in Chapter 9 as other alternatives considered and rejected. Information as to ridership, costs, displacements, environmental considerations and mitigations is contained in Chapters 2 and 3 of the Draft EIR for the proposed project and alternatives as required by CEQA.

Comment OA-11 (Snow 1): I am a one-fourth owner of the above named property, an industrial building with 12 tenants and one vacancy. In regard to this property, I am against all proposed routes except alternative #8 which travels along Osgood Rd. and Springs Blvd., thus avoiding our property. Since there is very little chance of the BART Board approving alternative #8, then I ask that the engineers a route that does not take any of our property. Your present drawings show that the route takes a slice of our property. This will adversely the land use and economic activity of our property. More specifically, would take away the parking lot used by the tenants on that side of the building. It would also adversely affect the tenants' access into their units via the overhead door openings. The net result would be our inability to rent the units. I am a retired person. The majority of my income is derived from the rental of this building. BART's compensation for a piece of our land would never be enough to cover the income that the owners expect to receive over the next 20 or more years.

Therefore, I recommend that BART move the location of the Warm Springs further south on their property and realign the rail access to the station so that it does not need to take any of our property. It will save money and allow us to continue the rental of our property.

Response OA-11: The comments on the design of the alternatives are noted. BART will work during final design to minimize the acquisition of all property within the design constraints and operational parameters of the project.

Comment OA-12 (Aihara 2): We would like the following comments/signatures written into the public record: The attached five pages are signatures of homeowners in the Irvington District and parents of students at Grimmer Elementary School. We do NOT want Alternatives 4, 5, 6, 7, 9, 10 or the Proposed Project. We support Alternatives 1, 2, 3 and 8 that keep the BART tracks away from our homes and neighborhood school. Why are there no other alternatives besides BART or highway?

Response OA-12: The signatures and alternative preferences are noted. See Response OA-1 for a discussion on other alternatives studied.

Comment OA-13 (Johnson): I read with interest much of the BART Warm Springs Extension Draft EIR. I also researched the route by walking in the affected part of Fremont Central Park on a Saturday around noon, and drove along the route to form an opinion on the best alignment and options. First I would like to say that I support a BART extension and realize the importance of keeping capital costs low. For that reason, I do not support any subway alignment through Fremont Central Park unless the needed incremental funds are provided locally. I do, however, believe that Design Option 3 would be a reasonable expenditure to reduce the impact on the park and lake. Beginning at the Fremont BART Station and working south, I would like to make the following observations and recommendations. BART should be aerial from the Station to south of the tule pond, on embankment to Stevenson Blvd. with soundwall on the southwest side as needed, on aerial using roughly the Design Option 3 alignment across Stevenson Blvd., Fremont Central Park, SPTC, a realigned UPRR, and Mission Creek. The UPRR should cross over to the SPTC southeast of the driving range, and be relocated adjacent to the SPTC from near Mission Creek to Carol Ave. This will allow BART to use the vacated UPRR ROW with a lower vertical profile and less impact on residents in the Valdez/Vaca/Valero neighborhoods. It should also make an overcrossing at the Paseo Padre Parkway less expensive and less visible as well as provide easier access to the pumping station. BART would transition from embankment to at-grade to open cut between Mission Creek and Washington Blvd. with soundwall on the east side as needed. BART should cross below Washington Blvd., but whether the railroad should be depressed or cross at-grade ought to be reconsidered. If a SPTC/UPRR subway Section be deemed necessary, its length should be minimized. Extending this subway for station parking doesn't make economic sense.

Response OA-13: The alignment suggested would impact the proposed golf course between the two railroads north of Mission Creek. Additionally, although the vertical alignment could begin

to return to grade after crossing the two railroads, BART would still be aerial along most of Valdez Way. The railroads would need to be depressed under Washington Boulevard to provide traffic improvements over current railroad crossing interference near the Irvington Station. In aggregate this alternative is similar to the combination of Design Option 3 and the Paseo Padre Parkway Design Option as evaluated in the Draft EIR.

Comment OA-14 (Snow 2): We own a small industrial building with 13 tenants. Your plan shows the BART tracks taking a slice of our property as the tracks approach alignment for the Warm Springs/Grimmer station. If you position station a little further south you can cross over later & thus eliminate having to take any of our property. In other words, please draw your plans so that you don't take any of our property. If the parking lot next to present R.R. tracks is used for BART tracks then we wouldn't be able to rent units on that side of building. My income depends on this building being fully rented.

Response OA-14: See Response OA-11.

Comment OA-15 (Wolffe): Do not expand the BART boondoggle into Warm Springs. In fact it would be better for the whole Bay Area if the overly expensive and mistaken technology of BART were not expanded anywhere. The \$540 million for Warm Springs is enough to electrify the existing railroad lines around the bay and up to Sacramento including 20 trainsets. This would help increase BART ridership more than all of the presently planned extensions combined. Since CalTrain, especially when electrified, is faster, cheaper and can be implemented sooner it is totally irresponsible to waste rail dollar during these times of recession and budget deficits. The congested highways and fading government budgets are directly attributable to the long delays and inflated costs of BART projects. This extension is aligned between 2 existing railroad lines. Either of which could be upgraded to provide superior service for less cost than BART by using modern conventional railroad technology. Please quit wasting our tax money and do the Bay Area a favor.

Response OA-15: As discussed in Chapter 9, Other Alternatives Considered, Caltrain type service was examined and rejected in the Warm Springs Corridor due to low ridership projected for this type of service. See also response OA-1.

Comment OA-16 (PH-Queen): And here's my alternative: My alternative is that I think extending BART to a parallel track along the SP or UP tracks probably makes sense and to make it so there's a station of roughly ten--a thousand feet so that people can get off BART and walk right across the platform to a regular train and then take the train down from where it comes from the north down to San Jose, connect it to the CalTrain system. It can be done much faster. It can be done with a lot less expense. And this way, it will also connect with a CalTrain system going up and into San Francisco.

Response OA-16: See Response OA-10.

Comment OA-17 (PH-Wolffe): If you really want a BART extension to your lake, I would suggest you put it north of the lake, connect with the regular rail lines and use the other \$400,000,000 that you'd have extra to buy real trains, run them up to Sacramento, run them off the San Joaquin, and that would really take the people off your highways and off your city streets.

Response OA-17: Terminating BART at a transfer station next to Central Park that connects with the railroad corridors and implementing commuter service on the railroad to Sacramento and San Joaquin would not provide the service level and transit improvements that the BART extension would provide to the southern portion of Fremont. Commuter rail service is being introduced on the SPTCo Alviso line between San Jose and Sacramento but with only a few trains per day. Similarly studies are planned to investigate commuter rail service across the Altamont Pass from San Joaquin to Alameda County.

Comment OA-18 (PH-Allen): The costs would be substantially reduced if the cities would go ahead and do grade separations first. And I would urge several factors in connection with the routes that are adopted that it stay completely on the west side of the Union Pacific. That the line not leapfrog over the railroad and that it would have to leapfrog back in order to get into Santa Clara. It's much better to keep BART at-grade alongside the railroads, between the railroads.

It might be possible to have one railroad operate. Have the SP move over, operate on the Union Pacific somewhat as they do over the Altamont. For many decades there were two railroads going over the Altamont. Now, the Southern Pacific operates over the Union Pacific and that is on a Union Pacific main line. It shouldn't be any great problem. I talked to the Union Pacific man going out and he said there would be no problem as far as the UP had, if the BART line were kept on the west side of the Union Pacific where there is room in between the railroads and minor track shifts might be made. A station on the order of the Richmond Station could be put at, say, at Warm Springs, South Warm Springs.

Response OA-18: See Response OA-6.

Comment OA-19 (PH-Allen): So far as Central Park is concerned, I would urge that BART--that consideration be made, now this is not to say that it would be done, but that a grade, a route at-grade, through the park, dividing the active and the passive parts of the park, and in the absence of an at-grade, a shallow cut, which would still be open-air and still give passengers some idea of the beauty of Fremont, perhaps converting that north cove into an additional silting pond like the existing silting pond putting BART at-grade across there would save megabucks. It would not be obtrusive. It would be less obtrusive than the Southern Pacific tracks are now, where they toot their horn at Paseo Padre.

Response OA-19: See Response OA-2.

Comment OA-20 (PH-Keenly): I, like Vaughn, would like to see, first of all, a Caltrain extension up here. It's a lot cheaper. We can do it right now. The tracks are already there. It's kind of

funny how we're running the BART down the center of the tracks, and we're not even using those tracks. It's kind of not seeing the forest for the trees.

Response OA-20: See responses OA-1 and OA-15.

3.19 COMMENTS AND RESPONSES ON GENERAL COMMENTS ON THE DRAFT EIR

Comment Gen-1 (CTC): *MTC's New Rail Starts program contains a 5.4 mile two-station project, not the 7.8 mile three-station project identified in the draft EIR. How does BART propose to fund the additional 2.4 miles and the extra station?*

Response Gen-1: See Response PD-1.

Comment Gen-2 (Fremont): Station Architecture: *It is extremely important for BART to establish and maintain a close working relationship with the City to insure station designs integrate well with the future development of the surrounding neighborhoods. The City is particularly interested in integrating plans for the Irvington Station and joint development on that site with redevelopment of properties along Washington Boulevard.*

The City Council requests BART make provisions for City review of architectural and building plans for all new Fremont stations. The Fremont Fire Department has determined that Title 19 of the California Code of Regulations gives the Department jurisdiction over fire safety provisions at BART stations.

Response Gen-2: BART fully expects to establish a close working relationship with the City of Fremont during the development of the station architectural design and site development concepts for all stations to be included in this Extension. In addition, on other BART extensions, BART staff and consultants have worked with affected community members on station design elements. We would expect to continue that kind of community input into the design process for the Warm Springs Extension.

Once the BART Board approves a specific alignment and profile for the Warm Springs Extension, we would set up regularly scheduled coordinating meetings with ourselves, representatives from the City of Fremont and our selected Station Design Architects to discuss the overall approach to the design of the station and site layout to assure compatibility with the city's existing development plans, as well as attitudes regarding the aesthetics for the station and the site.

An initial 15 percent Preliminary Design Package will be prepared for the BART Board approved Alternative which includes plan and profile, as well as typical cross sections of the overall alignment and functional layouts for the stations and off-street drop-off/pick-up and parking facilities. This package and subsequent design stage packages including completed

contract documents for actual construction will be made available to the City for their review and comment.

Fremont Fire Department review opportunities are discussed in responses G-5 and G-6.

Comment Gen-3 (Fremont): Reference page 3.8-6 of the Draft EIR. The Civic Center is in North-West area adjacent to Central. (LS)

Response Gen-3: Comment noted. The second sentence on page 3.8-6 of the Draft EIR is corrected by changing the word "northeast" to "northwest."

Comment Gen-4 (IBA): Lake Elizabeth Central Park Area. We do not agree with an aerial route through central park. The noise and visual impacts an aerial alignment would bring to the park and surrounding residential areas cannot be mitigated satisfactorily and as stated in the Draft EIR, would cause significant unavoidable adverse visual and noise impacts.

Response Gen-4: The Irvington Business Association's preference for a non-aerial (Design Option 1 or 2-S) alignment through Central Park is noted. The comment correctly points out that the aerial alignment would have unavoidable adverse visual and noise impacts in Central Park. (See 3.8-31 and 3.13-34)

Comment Gen-5 (Queen): Page 1-7, para 2: The proposed BART Warm Springs Extension Project is being developed in response to this need (exceeding capacity of I-880 by as much as six additional lanes) and in response to the following specific mandates:

First Bullet: Internally creating a policy within BART and then citing it in a BART EIR is self-serving and therefore invalid.

Second Bullet: My letter to MTC's Hank Dittmar (ref #12) substantiates that the MTC's New Rail Starts Program (MTC Resolution No. 1876) is fatally flawed in both process and content and therefore is invalid.

Third Bullet: I'm sure the voters voted for transit, but they also want the "best bang for the buck." My Alternative 12 should be presented to the voters and let them decide--after the facts are available from the completion of a Supplemental EIR.

Fourth Bullet: My Public Comment on the MTC's Regional Transportation Plan (RTP) (ref #15) substantiates the fact that RTP is fatally flawed. Furthermore, on August 21, 1991, the federal courts ruled that the RTP is not in compliance with the Bay Area's Environmental Regulations. The MTC has 120 days to resolve this ruling. A new RTP and RTP EIR will likely be required. And thus this bullet is invalid.

Fifth Bullet: Senator Boatwright's Law (SB 1715) may not be used as an excuse to build bad transportation projects or waste taxpayer money. Additionally, Senator Boatwright was not informed of a "Southern Pacific R/R and BART Multi Modal" alternative and thus this bullet is invalid.

Response Gen-5: BART Extension Staging Policy (BART Resolution #4300), MTC Resolution #1876 (New Rail Starts and Extension Program), the Measure B sales tax, MTC Resolution #2131 (TCM's for the Contingency Plan of the 1982 Air Quality Plan) and the Boatwright Law (SB 1715/Chapter 1259 of 1988) are all legal enactments by either the BART Board of Directors, the Metropolitan Transportation Commission, the people of Alameda County, or the State Legislature. Until such enactments are changed, modified, or in some way formally abridged, they are valid specific mandates which guide the Extensions Program of the BART District.

Mr. Queen's proposal, which he calls "Alternative 12," calls for terminating the BART extension at a multi-modal station next to Central Park connecting with the SPTCo and UPRR railroad corridors and then using CalTrain-type service south. This proposal would not provide the service level and transit improvements that the BART extension would provide to the southern portion of Fremont.

Comment Gen-6 (Queen): Pages 1-8 through 1-10, Goal 1, Goal 2, Goal 3, Goal 4, Goal 5, Goal 6, Goal 7: Subject to findings of Supplemental EIR regarding Alternative 12.

Response Gen-6: The commentor appears to be suggesting that the project goals and objectives on pages 1-8 through 1-10 should be utilized in developing the findings for the Supplemental EIR he has recommended be undertaken concerning his proposed alternative to those discussed in the Draft EIR, which he terms "Alternative 12." This proposal is also discussed in responses Gen-5 and OA-9.

Comment Gen-7 (Queen): Page 2-47, para 2: The Capital costs and operating and maintenance costs, further detailed below, are conceptual and subject to revision after preliminary engineering.

Fatal Flaw: How can BART act to adopt (certify) this EIR is the cost per passenger ratios cannot be accurately calculated? The necessary "engineering" must be completed, this EIR and Alternative 12 updated, before the "preferred alternative" can be formalized.

Response Gen-7: As indicated in the Draft EIR, page 2-47, the capital costs and operating costs are based on conceptual engineering and subject to revision after preliminary engineering is completed. The additional refinement to cost information that comes with preliminary engineering and design would be determined after the BART Board adopts a project and the project goes into preliminary engineering. It is not cost effective to complete 100 percent of the engineering before adopting a project. The environmental process as provided by the

California Environmental Quality Act does not require detailed cost estimates or calculation of cost per passenger indices.

Comment Gen-8 (PH-Rumbolz): In regards to the Fremont park, we would like it to be as minimally environmentally impacted as possible. We would like it to go way around the park if possible. We don't know the history of BART, but we wondered why the original Fremont line wasn't just extended further around north or east anyway where the existing tracks are. We don't know why they chose it to go right down there to downtown Fremont and then dead-end right at the park. It seems to me it's poor planning.

Response Gen-8: The existing 23-mile Alameda County portion of the BART system generally parallels the Union Pacific Railroad from Lake Merritt Station in Oakland to the Fremont Station in southern Alameda County. In 1979 when BART first began studying an extension of rapid rail service to Warm Springs, a southwesterly and a northeasterly alignment were considered as potential routes to avoid Central Park before BART would again return to the railroad corridor.

The potential southwesterly aerial alignment was proposed to cross the western edge of Central Park and proceed along Paseo Padre Parkway before returning to the railroad corridor. This preliminary alignment was eliminated from further consideration because the route would interfere with future planned park facilities, and because extensive residential displacement would be unavoidable between Paseo Padre Parkway and the railroad corridor. Reconsideration of this route during 1990 was not possible because the Fremont Main Library complex was constructed on the western edge of Central Park in the path of any likely aerial alignment, and the residential area between Paseo Padre Parkway and the railroad corridor had increased in housing density.

In 1984-85, a potential northeasterly aerial alignment around Central Park was reconsidered, but was eliminated as a viable option because the necessary route did not meet BART operational criteria. The alignment also would have interfered with the existing golf driving range in Central Park East.

Comment Gen-9 (PH-Pohle): Well, is there going to be another public hearing for the final E.I.R. to know what the final decision is of the BART? In other words, whatever they decide, happens, right?

Response Gen-9: There will be two additional opportunities where the public can request to speak on the project. The first will be a formal public hearing before the Engineering and Operations Subcommittee of the BART Board of Directors, this meeting is presently scheduled for December 17. The second opportunity is when the BART Board is considering certification of the Final Environmental Impact Report and adoption of the project, this meeting is scheduled for December 19.

Comment Gen-10 (PH-Singh): *The second point is that as a station agent, I've noticed that our parking lots are getting more and more dangerous. There is no station which does not have two or three cars break in almost every day. And this number is only increasing. It is not decreasing. I believe when the BART was planned, the people who planned the BART, the leaders who put it in, had promised the voters, as a general idea, that we will offer you free parking space because I also realized when I came to America six years ago, free parking space is not available in this country. So therefore, it is a very appealing idea. And now that they make their commitment, they don't want to go back on it.*

But I do feel that if not in the stations which have already been built, at least in the future station they are going to build here, one, two or three or whatever the voters want, we should have about 50 percent parking space and secured paid parking space where we can leave our cars, maybe pay \$1, maybe pay \$2 for the day, whatever, which will pay for the person who is engaged to take care of the lot so that we have an option now. If you don't want to pay money and be unsafe, okay, park in the free space. But if you want to be safe or park overnight, get in there and pay the money.

I think we should very seriously, BART people should, please note that we should definitely insert this right in into our huge plans that we should have some, 50 percent, 24 percent, 20 percent, of the area allocated for paid, secure, wired-in, parking lot.

Response Gen-10: The existing BART stations, with the exception of Lake Merritt Station, provide free parking to BART riders. The proposed BART extensions are planned to provide adequate and free parking spaces for BART riders. The question of parking fees and security at BART stations is a continuing subject of discussion at BART. However, a fee for parking would entail a change of BART Board Policy.

4. PREFERENCES FOR ALTERNATIVES

The following comments are statements of preference for or against the Proposed Project and its various alternatives.

Comment P-1 (AC): AC Transit strongly supports the Proposed Alternative and those alternatives that have a station at Irvington. This site is a natural location for a major bus and rail transit hub, based upon street layout. The combination of a BART extension with a station at Irvington and a bus route network designed around this station site, will provide an efficient multi-modal transit system designed to attract new riders to both BART and AC Transit, thereby reducing automobile traffic in the Irvington area and on Bay Area freeways.

Response P-1: Comment noted. See also response T-25.

Comment P-2 (Caltrans): We continue to support a three station option which is consistent with Caltrans policy to reduce Vehicle Miles Traveled (VMT) on State Highways.

Response P-2: Comment noted.

Comment P-3 (Fremont): Fremont General Plan Conformance: The proposed project with either Design Option 1 (subway) or 2S (subway) in Central Park and Alternatives 4 or 5 with either Design Options 1 (subway) or 2S (subway) are the only alternatives which conform to the Fremont General Plan. It is especially important for the Irvington Station to be included as part of the extension because the station is a cornerstone of the Irvington redevelopment plan.

Response P-3: Comment noted.

Comment P-4 (Keenly): I reviewed the Draft EIR for the BART Warm Springs Extension in depth and came to the conclusion that the Proposed Project as outlined was fairly good.

Response P-4: Comment noted.

Comment P-5 (Keenly): Do not construct the Warm Springs Station at this time.

As of the construction completion date, I do not see a need for a Warm Springs Station, as most of the businesses located along the proposed BART Extension are adjacent to the Irvington Station (the Irvington District) and the South Warm Springs Station. Much of the land near the Warm Springs Station is still agricultural in nature, thereby negating the need for a station. I would still recommend that preliminary engineering be completed in anticipation of the need for a future Warm Springs Station.

Response P-5: Comment noted. Alternative 11 does not call for the construction of a station at the Warm Springs site.

Comment P-6 (Keenly): *Choose Design Option 3 through Central Park.*

I prefer that an aerial alignment be chosen over a subway alignment through Central Park for mainly two reasons: cost and view. Why should the transit rider be relegated to looking at the dark walls of a tunnel for an added cost to the project of \$60 million? The view of Central Park from the aerial trackway will be spectacular. It should in no way detract from the activities that occur in the Park. (Incidentally, most activities in the park occur on the west side of Lake Elizabeth; only bikers and walkers will need to pass near the aerial structure when traveling on the east side of the lake). The view of the aerial trackway from the west side of Lake Elizabeth should be minimal under Option 3 (see Figure 3.8-6B in the Draft EIR).

Option 3 is superior to the other aerial options proposed due to the fact that Option 3 would completely avoid crossing Lake Elizabeth and the riparian forest area. These two benefits outweigh the 70 mph speed restriction of Option 3 over the other aerial alignments.

Response P-6: Comment noted.

Comment P-7 (IBA): *Irvington Station. The Irvington Station is an extremely valuable link for the transportation needs of the surrounding residential areas. This station will mitigate current and future vehicular impacts by improving the intersections at Osgood, Driscoll and Washington Blvd.*

Response P-7: Comment noted.

Comment P-8 (IBA): *BART Extension Aerial Route. We cannot support an aerial route from the Central Park area to the Irvington Station and beyond. The same significant unavoidable impacts occur as with the park. A depressed route is the best solution and will mitigate the noise, visual, traffic and related environmental impacts to an acceptable level.*

Response P-8: Comment noted.

Comment P-9 (Kliment): *If we are forced to accept BART's Warm Springs Extension the alignment Option #1 (subway) is the only one that is the least detrimental to us and the neighborhood.*

Response P-9: Comment noted.

Comment P-10 (MSJCC):

1. *The extension should pass under Lake Elizabeth to preserve its beauty as a community resource.*

Response P-10: Comment noted.

Comment P-11 (MSJCC):

2. *We support each of the three stations planned in the proposed project. All three stations are vital to the community and will decrease the environmental impact of vehicular pollution.*

Response P-11: Comment noted.

Comment P-12 (MSJCC):

3. *The Mission San Jose Chamber of Commerce would like to see the BART Extension depressed as it transverses the Irvington area. This revitalized business district would be adversely affected by a raised line.*

Response P-12: Comment noted.

Comment P-13 (SCCTA): *As stated previously we prefer those alternatives that extend BART service from the current BART Fremont terminus station to the future South Warm Springs station, further extended by tail tracks to the County line. These alternatives are Alternatives 6, 7, 8, 10 and 11.*

Response P-13: Comment noted.

Comment P-14 (FCC): *Central Park (Lake Elizabeth) is an important community resource that must be protected for the enjoyment of present and future generations. An aerial structure through Central Park is totally unacceptable due to the visual and noise impacts on the park and the surrounding residential areas. In addition, the aerial route would degrade the many activities available in the park, including walking, picnicking, bicycling, boating, soccer, softball and other pursuits.*

Response P-14: Comment noted.

Comment P-15 (FCC): *Each of the three stations planned in the proposed project is vital to the community. Each station will serve a different major residential and/or commercial/industrial area, and will lighten environmental impacts of vehicular congestion and air pollution by reducing the number of vehicles transporting residents and workers to and from these areas.*

Response P-15: Comment noted.

Comment P-16 (Aihara 1): *The Irvington Station should be eliminated. It will bring crime into our community, not the prosperity suggested by the Irvington businessmen. Look at the Emporium*

Clearance Center--this center has been dying a slow death for years! (Conveniently located next to the "end of the line" existing Fremont Station.) We homeowners do not want Irvington Station. We want Alternative 8: BART away from our homes!

Response P-16: Comment noted.

Comment P-17 (Snow 1): In a separate matter, I believe that the cost of building three more stations in Fremont is a luxury we cannot afford. Furthermore, the taxpayers of the present BART district should not be expected to carry the burden of extending the line to the Alameda County border just for the convenience of Santa Clara County residents. Alternate #9 (5.4 miles) is my preference with only one new station at Warm Springs. The proposed Irvington station is too close to the present Fremont station. An Irvington BART station would create further traffic congestion in an area that is already overused. The money saved by adopting alternate #9 could be applied to undergrounding the track from the present Fremont station to a point just beyond Washington Blvd. and Osgood Road. That way you would preserve the beauty and usefulness of Central Park.

Response P-17: Comment noted.

Comment P-18 (UPRR): Union Pacific Railroad Company opposes project alternatives which include a BART station at Irvington (Washington Boulevard). One of the Irvington station alternatives calls for Union Pacific Railroad and Southern Pacific Railroad to be placed side-by-side in a long subway under the proposed station area. Union Pacific Railroad opposes this alternative for a number of environmental reasons.

Response P-18: Comment noted. See also responses PD-24, AQ-2, HM-10, SS-7, and N-7.

Comment P-19 (UPRR): Therefore, due to problems anticipated with train handling, derailments, exhaust smoke buildup, vibration, safety and security, and derailment cleanup, Union Pacific Railroad opposes the Irvington Station alternatives. Union Pacific Railroad supports Project Alternatives 6, 7, 9 and 10, which do not include a station at Irvington.

Response P-19: Comment noted. See also responses PD-24, AQ-2, HM-10, SS-7, and N-7.

Comment P-20 (Pettersen): The purpose of my letter is to go on record against Alternative 8: A 7.8-mile BART extension along Osgood Road and Warm Springs Boulevard with two extensions.

Response P-20: Comment noted.

Comment P-21 (Lane): We have lived in this area over thirty years and used to be very supportive and enthusiastic of BART. We are very much in favor of mass transit. However, the Warm Springs Extension project is very troubling. It doesn't seem to us that the "ring around the bay" concept is ever going to happen. Santa Clara and San Mateo do not seem to be willing to help pay for it. They have other transit alternatives. It seems better then to spend the money to

Alternative 2 or Alternative 3 and strengthen other transportation than to pay this much to bring BART closer to Santa Clara. We are very concerned about the impact on Central Park in Fremont. There seems no way to save it if BART goes through. We are also very concerned about the impact on the birds and other wildlife in the area.

Response P-21: Comment noted.

Comment P-22 (Waugh): I think that the tunnel should be built back like it was planned with the modification that the train be tunneled thru Lake Elizabeth.

Response P-22: Comment noted.

Comment P-23 (Greene): Thanks for sending the E.I.R. We have read a lot of it, and wish to express our objections to Alternative 8. Is this a seriously considered alternative? We think it is the least desirable (39 residences disrupted 22 more than the proposed project, alternative 4, 5, and 11. 83 businesses same as proposed project and Alternative 11. Only Alternative 7 has more). We think the proposed project would be the ideal extension.

Response P-23: Comment noted.

Comment P-24 (Olson): The homeowners along the Union Pacific Railroad (on the east side) would be severely impacted in terms of noise, vibration (substantially higher level and certainly far more frequently than currently exists), view obstruction and deterioration and loss of property value for any optional route that approaches or straddles the UPRR.

Mr. Priestly, a consultant retained to photograph elevation and obstructions, photographed potential views from our backyard which should illustrate just one aspect of the problem posed by BART project alignments 2 and 3 through Central Park. We strongly request that BART retain the option 1 routing through Central Park.

Response P-24: Comment noted. See Figures 3.8-7A and 3.8-7B on page 3.8-14 of the Draft EIR for the photo simulation referred to in the comment.

Comment P-25 (PH-UPRR): I would like to say, however, the Union Pacific Railroad is not really comfortable with the proposals for the Irvington Station, primarily. Alternative number 4 is the one that we were talking about last years, and we had a lot of problems with that, and it's still one that we cannot live with from an environmental standpoint.

Response P-25: Comment noted. See also response P-18.

Comment P-26 (PH-UPRR): The Alternative Number 4 alignment was unacceptable because it pushed us too close to the Southern Pacific, and it blocked us from the east side. The proposed alignment is better, south of Irvington, and that's satisfactory.

Response P-26: Comment noted.

Comment P-27 (PH-UPRR): I would say, to close up--and I have to get my score card out here. Alternatives 4, 5 and 11 are not acceptable, from Union Pacific's point of view. And 6, 7, 9 and 10 would seem to us to be appropriate.

Response P-27: Comment noted.

Comment P-28 (PH-O'Connor): Lake Elizabeth is a jewel to the City of Fremont. It is the diamond in the center. And I think BART would simply be a blight, to be an aerial tramway or bridge across the lake, and I would like to see--more than I like. I don't know how to stress this--almost demand that we have a subway. I think we were promised one years ago. Every problem has a solution. The alternatives we have been shown are not it. I believe that every solution can be improved.

Response P-28: Comment noted.

Comment P-29 (PH-O'Conner): Furthermore, I would like to see the subway continue under the lake and continue under Paseo Padre, under Washington Boulevard and then to the station which would be underground because we also have great problems with the trains. I'd like to mention that to the railroad lawyer right now. The trains are getting longer and they're getting slower. And I'm sure anyone that's driven down Paseo Padre--they also seem to time them for the commute. I've been stuck there at 8:00 in the morning and 5:00 in the evening, and the trains are just barely moving.

Response P-29: Comment noted.

Comment P-30 (PH-O'Conner): I was told that the Warm Springs yard--and I think this was for Southern Pacific--is now their main yard in Northern California, that the impact is just too great with the railroads. And I do like the one part of the alternatives where they would put both the railroad tracks underground. I think that's a great idea. The lawyer said he doesn't like them close together. There's another alternative where they can spread them further apart. That's fine.

Response P-30: Comment noted.

Comment P-31 (PH-O'Conner): I had another thought, that BART's response to the subway has been that the money's not there. I was thinking that we could eliminate the South Warm Springs Station. I didn't see that on any alternatives when he mentioned them eliminating a different station. Every one of them kept the South Warm Springs unless they got rid of both the stations.

Response P-31: Comment noted. Alternatives 4 and 5 include Irvington and Warm Springs stations, but do not include a South Warm Springs Station.

Comment P-32 (PH-Hirsch): I'm a member of the Irvington Business Association. I've lived here all my life. For many of us in Irvington, we believe the Irvington Station is critical for a number of reasons.

Response P-32: Comment noted.

Comment P-33 (PH-Pease/IBA): I'm currently president of the Irvington Business Association. I'm here this evening to convey our support for an Irvington Station. A station as proposed by BART with depressed tracks and depressed BART through the station utilizes the land to its optimum and allows for the best solution of traffic and the visual impacts.

Response P-33: Comment noted.

Comment P-34 (Pease/IBA): As was mentioned earlier by a spokesman for the railroad, they don't seem to want to have a little incline or something going through the station. I think mathematically that can be corrected very easily with a depressed route going from Paseo Padre all the way through the station so there's very little incline going in and out.

Response P-34: Comment noted. See also response PD-24.

Comment P-35 (Pease/IBA): As far as security goes, railroad tracks have been there a hundred and something years. I think BART has an excellent security record, and between the two of you, you should be able to figure that out.

Response P-35: Comment noted.

Comment P-36 (Pease/IBA): As far as the lake and the problems that we have either over or under, personally, I'm not opposed to the visual aspects. I have been in the Orlando area and you could use Epcot as, say, a model if you will, but I came to the conclusion after attending the workshop and the community meetings, et cetera, that visually, that's one aspect.

Response P-36: Comment noted.

Comment P-37 (PH-Pease/IBA): The other major problem is the noise, and that's an impact that can't be mitigated. So therefore, we believe that a subway route or depressed route through the lake should be the alternative.

Response P-37: Comment noted.

Comment P-38 (PH-Journey): I think we need 7.8 miles more of track. I really question whether we need three stations to do that. I think Rapid Transit would be served by two stations eliminating an Irvington Station. Just an outsider's view, it seems we're really posturing about

subway or aerial around the lake. It's very silly, any other option, besides subway. These hard right-hand turns around the lake are silly, and Design Option 8 is really silly, a right-hand turn at Osgood Road.

Response P-38: Comment noted.

Comment P-39 (PH-Susoev): So as long as it does cost our taxpayers, I say above and around like you say because--and three stations I cannot go for. It's one in Warm Springs. Like I said, I am confused between the Warm Springs and South Warm Springs. I have to decide which is the best area so I might have to talk to BART officials a little bit later.

Response P-39: Comment noted.

Comment P-40 (PH-Singh): If we can keep away from the fault line and the BART engineers can come up with a foolproof system that can withstand a magnitude of 8.5, then I think it will be worthwhile first putting our eyes down to saving the lake and the park.

Response P-40: Comment noted. See also responses G-3 and G-9.

Comment P-41 (PH-Singh): I suggest we only aim for one station, that is the crossing of Grimmer and Durham. There is plenty of space available over there. It will serve the guys living up in the hills. Irvington District will be happy. It's pretty close to them. And the population density here, the traffic generated by Irvington District alone, I do not think this justifies having a station so close to Fremont Station. And if other supervisors can get along on friendly terms with Santa Clara, if they can chip in some money, okay, then let's build one on the North Warm Springs so San Jose can be served and other citizens can also be served who go to those industrial areas.

Response P-41: Comment noted.

Comment P-42 (PH-Lieb): A couple of comments, the proposed route to me seems reasonable. I believe it's 2-A. The one that doesn't go quite out of the way elevated is also reasonable. And it's reasonable to me for one reason, is that for many years I was a soccer referee, and the biggest impact there other than the sailing--I don't know what the wind currents are like out there. I know they're pretty strong on soccer balls--but the Union Pacific and Southern Pacific railroads generate far more noise with their SD60s and whatever trying to drag things up the hill than BART can ever do.

\$50,000,000 is a lot of money. In many respects we in Fremont knew that that was going to eventually be an extension through there and we went and built the lake anyway, and we went and built the other areas, like the softball fields, anyway. So as a taxpayer and as a person who extensively uses the park, \$50,000,000 is a pretty high price to pay given the noise levels in comparison to the noise levels that are already there.

Response P-42: Comment noted.

Comment P-43 (PH-Norman): As far as where the station should be, I believe three stations along that 7.8 miles is excessive also, but I was glad to see that Option 11 has come about. I believe that the station is important to the Irvington District and that one should be preserved. And if we're going to eliminate a station somewhere, Warm Springs seems to be as likely a candidate as anything.

Response P-43: Comment noted.

Comment P-44 (PH-Norman): I believe we should extend to South Warm Springs if we possibly can. I know they're grumbling about this being a gift to those evil hordes in Santa Clara County, but we can look at it this way, too, the station is built to South Warm Springs then we keep those invaders off our Fremont streets and highways and that they can just funnel whatever evildoing they have in mind into the South Warm Springs station.

Response P-44: Comment noted.

Comment P-45 (PH-Norman): And finally, as far as the Lake Elizabeth issue is concerned, I think I would prefer to see the line go underground or at least depressed at Lake Elizabeth, too, and the apology of something that I had mentioned back at the March 20th meeting, but I'll try to remove the self-congratulatory element of it is that I don't want to wake up in the year 2015 or 2020, read in the newspaper that the City of Fremont and BART have come to an agreement to share funding for a subway under Lake Elizabeth, but at this point, it now costs \$150,000,000 instead of the \$50,000,000 that we're talking about now. So please, BART, City of Fremont and maybe Santa Clara County, if you're feeling generous too, find some way to share the cost of this thing. For heaven's sake, split it or something, but don't let it sit and inflate. That's my point on the issue.

Response P-45: Comment noted.

Comment P-46 (PH-Zager): And what I would like to state is that the Chamber of Commerce would like to reiterate the support for the completion of a BART Warm Springs extension. We have been very patient. We have supported an extension since BART's conception. And we now feel it is time that an extension be completed.

Response P-46: Comment noted.

Comment P-47 (PH-Kliment): And then I'm also concerned about, they also mentioned that, you know, the park is a beautiful, beautiful place. I was very impressed with it. And it's a wonderful place to walk. And people really use it. They were saying if they go aerial, that the people walking under there, every time a train goes by, they're going to have to stop talking. They're not going to

be able to hear each other. Well, isn't it nice to have a beautiful park and you can't even talk to the person you're walking with.

Response P-47: Comment noted.

Comment P-48 (PH-Forney): So our feeling is that an underground between the existing soccer fields and the end of the lake there would be preferable, possibly then we could use the area that would be above BART for play areas, grassy play areas, and we would still also maintain a habitat for the burrowing owls in some of those areas.

Response P-48: Comment noted.

Comment P-49 (PH-Forney): If BART is built, extended, I would prefer to see three stations. Certainly, if we're going to get people out of their cars, we have to have places where they can board these types of transportation modules. I'm sure things are going to change in the future, but we're not getting any better. We've got to do something.

Response P-49: Comment noted.

Comment P-50 (PH-Higgason): I do agree with Lake Elizabeth subway because my kids do play soccer, my husband is a soccer referee, and I feel it would impact them quite a bit.

Response P-50: Comment noted.

Comment P-51 (PH-Keenly): If I had to choose one of the design options through Central Park, it would probably be Design Option 3, aerial. I know a lot of people don't like aerial, but if we look around in this neighborhood, or any of the neighborhoods, we build all kinds of freeway structures, freeway overpasses, no one really gives them a second thought. This is okay. This is part of development. This is what happens. That's okay.

Response P-51: Comment noted.

Comment P-52 (PH-Keenly): I'd like to talk about the stations just for a couple of minutes, or a minute. The three stations are good. The Irvington Station looks like a good location. It's right in the middle of the Irvington District. The Warm Springs Station is probably a good station in the future. It's probably not now. It may be a good idea to do the preliminary engineering on it now and not actually build it. There's really nothing out there right now except for agricultural fields, and if development for some reason, I don't know why anything would stop it, but if it didn't occur at that point then we really wouldn't even need that station.

Response P-52: Comment noted.

Comment P-53 (PH-Hoch): My main interest on this is on Central Park and Lake Elizabeth. And my preference is for alternate 2-S, the subway. And some of the reasons that I'm in favor of having a subway instead of an aerial BART are, one, if you have this subway, after the construction, there will be much less destruction of habitat. With the aerial, you will lose lake habitat; you will lose forest habitat, and you will lose forest habitat, and you will lose grasslands. If it is a subway, you won't lose those things. Also, if it is a subway, you won't have the visual impact of the aerial structures, and you won't have as much of a, much noise problem.

And as somebody else mentioned, that path around the lake is used day and night early, late, rainy weather. I know that I like to walk around. I walk through Gomes Park, through the area between the tracks and then around the lake. If there is an aerial structure, I don't think I'll walk around the lake any more. I think, as somebody else said, the Central Park and that lake are the gem of Fremont, and to blight it, which I think an aerial structure would be blight on it, I think that's just foolish.

Response P-53: Comment noted.

Comment P-54 (PH-Singh): But if they don't, let's not think of that extension yet. Save our dollars and have a real good system going under the lake, save the lake, save the park, and have a good station as I said earlier either at Durham and Fremont Boulevard or Durham and Grimmer Boulevard which is still close to Irvington District.

Response P-54: Comment noted.

5. DRAFT EIR REVISIONS AND CLARIFICATIONS

5.1 DRAFT EIR REVISIONS

The following revisions to the BART Warm Springs Extension Draft Environmental Impact Report (DEIR), July 1991, include corrections and additional analysis prepared in response to specific comments made during the public review period. Some revisions were also made to clarify issues raised during the review period or identified by staff.

Page S-3, Table S-1:

Change the following (a revised page S-3 is attached):

CAPITAL COST (1991 \$ Millions)

to the following:

CAPITAL COST (Escalated to Time of Expenditure, \$ Millions)

Under "Ridership (Daily Entries and Exits)", delete "Daily Boardings."

Under Alternative 8, change Capital Cost for Project - Aerial from \$740 to \$620 and Project - Subway from \$780 to \$660.

Page S-9, Seventh Paragraph:

Replace the following paragraph:

- **Visual Quality.** Additional development will create an environment that is more built up which would allow the BART aerial structures less likely to contrast with or dominate their surroundings. Development and the maturation of plantings around Central Park will contribute to a visually complex environment capable of visually absorbing the BART structures.

With the following:

- **Visual Quality.** Now-vacant and underutilized areas along the project alignment are likely to be developed in the future. In general, the result of this additional development will create an environment that is more built up and, as a consequence the BART aerial structures are less likely to

Table S-1 (Revised)
Summary of Proposed Project and Alternative Characteristics

	Proposed Project	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6	Alt 7	Alt 8	Alt 9	Alt 10	Alt 11
ROUTE CHARACTERISTICS												
Length (miles)	7.8	n/a	n/a	n/a	5.4	5.4	7.8	7.8	7.8	5.4	7.8	7.8
Number of Stations	3	n/a	n/a	n/a	2	2	2	2	2	1	1	2
DISPLACEMENT EFFECTS												
Residential Properties	17	n/a	n/a	n/a	17	17	3	5	39	3	3	17
Business Properties	83	n/a	n/a	n/a	43	43	80	121	83	40	80	83
RIDERSHIP (Daily Entries & Exits)¹ (Year 2010)												
	21,900	11,200	12,300	11,500	17,000	17,000	20,700	20,700	20,700	16,100	19,200	21,100
CAPITAL COST (Escalated to Time of Expenditure, \$ Millions)												
Project (w/out vehicles) - Aerial in Park	\$610	n/a	n/a	n/a	\$470	\$440	\$490	\$530	\$620	\$320	\$440	\$560
Project (w/out vehicles) - Subway in Park	\$670	n/a	n/a	n/a	\$510	\$500	\$550	\$570	\$660	\$380	\$500	\$620
Vehicles	\$80	n/a	n/a	n/a	\$55	\$55	\$80	\$80	\$80	\$55	\$80	\$80
Mitigations	\$32	n/a	n/a	n/a	\$29	\$29	\$31	\$27	\$46	\$29	\$32	\$32
ANNUAL OPERATING AND MAINTENANCE COSTS (1991 \$ Millions)												
	\$16.76	n/a	n/a	n/a	\$10.34	\$10.34	\$15.63	\$15.63	\$15.63	\$9.00	\$11.55	\$15.63

1. Includes Fremont BART Station plus proposed stations (if applicable)

Source: DKS Associates, 1991

contrast with or dominate their surroundings. Even in Central Park, new civic buildings proposed at the park's north end would create a setting in which the BART aerial structure would be less obtrusive. In other areas of the park new and maturing landscaping will create a more visually complex environment that would be more capable of absorbing the proposed BART structures.

Page S-17, Table S-2, under VISUAL AND AESTHETIC QUALITY:

Change "Proposed Project, Alternatives 9, 10 and 11" to "Proposed Project Alternatives 4 through 11"

Change first sentence of Net Impact After Mitigation to delete Paseo Padre Parkway

A revised page S-17 is attached.

Page S-18, Table S-2 continued under Central Park Design Option 2A, change Net Impact After Mitigation to delete Paseo Padre Parkway.

A revised page S-18 is attached.

Page S-23, Table S-2, under NOISE AND VIBRATION:

Description of impact change impact values as follows:

Alt 6 impacts from "148" to "106"

Alt 9 impacts from "132" to "90"

Alt 10 impacts from "149" to "107"

A revised page S-23 is attached.

Page 2-1, Last Paragraph, Third Sentence:

Delete sentence beginning on page 2-1 that is completed on page 2-4.

Page 2-4, Second Paragraph, Third Sentence:

Replace the existing parentheses:

(see Section 3.5 Ecosystems)

With the following:

Table S-2
Summary of Impacts *(continued)*

Environmental Area/ Extension Scenario	Description of Impact	Mitigation Measures	Net Impact After Mitigation
FREMONT CENTRAL PARK <i>(continued)</i>			
Design Options 1 and 2S	<i>Construction:</i> Similar impacts to Proposed Project but with more intensive construction activities. Impacts on softball fields and Lake Elizabeth would be less with Design Options 2S than with Design Option 1. Significant short term impacts.	For construction impacts, mitigations are the same as for Proposed Project, with existing ground and landscaping to be replaced following construction.	Less than significant short term impacts due to construction.
Central Park Design Options 2A and 3	<i>Direct:</i> Moderate impacts on three softball fields. Aerial structures through Central Park do not conform with the Fremont General Plan, and would be a significant adverse effect. (See Visual and Noise sections.)	Modify fencing and lighting systems of affected softball fields.	Non-conformance with General Plan is a significant effect.
Central Park Design Options 2A and 3	<i>Construction:</i> Significant short term impacts include loss of parking near ballfields, and temporary disruption of walking paths around Lake Elizabeth.	Modify ballfields in advance of construction. Provide for temporary replacement parking and walking paths. Maintain access from neighborhoods to the east.	Less than significant.
VISUAL AND AESTHETIC QUALITY			
Proposed Project, Alternatives 4 through 11	<i>Direct:</i> Aerial structures and embankments would create significant visual impacts between Fremont Station and Paseo Padre Parkway, including portions of Fremont Villas, along Stevenson Boulevard, and portions of Central Park including Lake Elizabeth. South of Paseo Padre Parkway, minor visual impacts would occur along the alignments and at proposed station sites.	Landscape plantings are suggested at key locations to limit views of the structures from key locations. Add plantings to screen views from residential areas. Collaborate with City of Fremont in design of Irvington Station.	Significant visual impacts would remain at Fremont Villas and Lake Elizabeth. No significant impacts south of Paseo Padre Parkway.
Proposed Project, Alternatives 4 thru 11	<i>Construction:</i> Significant short term impacts would occur in the Central Park and Irvington areas.	None proposed.	Short term significant impacts.

Table S-2
Summary of Impacts (continued)

Environmental Area/ Extension Scenario	Description of Impact	Mitigation Measures	Net Impact After Mitigation
VISUAL AND AESTHETIC QUALITY (continued)			
Central Park Design Options 1 and 2S	<i>Direct/Construction:</i> No direct impacts, but moderate construction impacts would occur in the Fremont Villas area. With Design Option 1, significant impacts in Central Park would occur in the area of riparian vegetation east of Lake Elizabeth.	Minimize vegetation removal in the riparian forest area. Replant after construction.	Not significant.
Central Park Design Option 2A	<i>Direct:</i> Aerial structures and embankments would cause significant impacts at Fremont Villas, Stevenson Boulevard, Paseo Padre Parkway and in Central Park. Relative to the Proposed Project, impacts at Lake Elizabeth would be reduced and impacts to the riparian area would be avoided.	Groups of strategically placed landscape plantings in Central Park would reduce structure's visibility.	Significant visual impacts would remain at Fremont Villas and Lake Elizabeth.
Central Park Design Option 3	<i>Direct:</i> Aerial structures and embankments would cause significant impacts at Fremont Villas, Stevenson Boulevard, Paseo Padre Parkway and moderate impacts in Central Park. Significant impacts on views from homes on western side of Valdez Way, Vaca Dr. and Valero Way.	Same as for Design Option 2A.	Significant visual impacts would remain at Fremont Villas, along Valdez Way, Vaca Drive and Valero Way and at the Paseo Padre Parkway overcrossing.
Paseo Padre Design Option	<i>Direct:</i> The optional vehicular overpass at Paseo Padre Parkway would have significant visual impacts.	None feasible.	Significant visual effect.
Warren Avenue Design Option	<i>Direct:</i> The aerial structure over Mission Boulevard and Warren Avenue would be highly visible to travellers on both streets.	None feasible.	Significant visual effect.
Alternative 4	<i>Direct:</i> Same as Proposed Project, except significant impacts near Driscoll Road from the depressed right-of-way.	Same as Proposed Project plus screening fences and trees along Driscoll Road.	Same as Proposed Project, with additional significant impacts near Driscoll Road.

Table S-2
Summary of Impacts *(continued)*

Environmental Area/ Extension Scenario	Description of Impact	Mitigation Measures	Net Impact After Mitigation
NOISE AND VIBRATION (continued)			
<i>Noise</i> Central Park Design Option 2A	<i>Direct:</i> Option 2A would have 9 more sensitive receptors with significant impacts than the Proposed Project.	Install sound walls to protect sensitive receptors.	Significant residual impact on a small portion of Central Park and Lake Elizabeth.
Central Park Design Option 3	<i>Direct:</i> Thirty-nine (39) more sensitive receptors with significant impacts than the Proposed Project.	Install sound walls to protect sensitive receptors.	Significant residual impact on a small portion of Central Park.
Alternatives 4 thru 11 (except Alternative 8)	<i>Direct:</i> Alternative 4 would have significant impacts on 42 sensitive receptors, Alt 5 impacts 98, Alt 6 impacts 106, Alt 7 impacts 145, Alt 9 impacts 90, Alt 10 impacts 107, Alt 11 impacts 107.	Install sound walls to protect sensitive receptors.	Same residual impacts as Proposed Project.
Alternative 8	<i>Direct:</i> Alternative 8 significantly impacts 537 sensitive receptors.	Install sound walls to protect sensitive receptors.	To Washington Blvd, same residual impacts as Proposed Project. South of Washington Blvd, Alternative 8 would have residual impacts on residences and a school.
<i>Vibration</i> Proposed Project, Alternatives 4 thru 11, All Central Park Design Options	<i>Direct:</i> A maximum of 103 sensitive receptors would be affected by groundborne vibration from passing trains.	Isolation of the tracks with special ties and/or trackbed construction.	Not significant, except under Alt 8, where some residences would have significant residual vibration impacts.
<i>Noise and Vibration</i> Proposed Project, Alternatives 4 thru 11, All Design Options	<i>Construction:</i> Construction equipment and activities could cause short term noise and vibration impacts along the project corridor.	Include noise and vibration limits in construction contracts.	Short term impacts, not significant.
AIR QUALITY			
Proposed Project, Alternatives 4 thru 11, All Design Options	<i>Direct:</i> No violations of state or federal carbon monoxide standards are predicted. The project would reduce emissions of ozone precursors and particulates (PM10), pollutants of regional significance. This would be a beneficial effect.	None required.	Beneficial regional impacts.
	<i>Direct:</i> Freight trains in the subway under Washington Blvd could cause local diesel exhaust accumulations and odor problems.	Provide adequate ventilation in the subway segment to handle diesel exhaust from expected number of freight trains.	Not significant.

(Ecosystems issues are addressed in section 3.5 with specific mitigation on page 3.5-26)

Page 2-7, Third Paragraph under IRVINGTON STATION, Third Sentence:

Add the following sentence:

The main driveway to the parking lots on Osgood Road approximately two-thirds of the way toward the south end of the station will be signalized.

Page 2-9, Second Paragraph, under WARM SPRINGS STATION:

Add at the end of the paragraph:

Both auto driveways to the parking lots on Warm Springs Boulevard will be signalized.

Page 2-16, First Paragraph:

Add at the end of the paragraph:

The southern driveway to the parking lot on Warm Springs Boulevard and the driveway to the parking lot on Kato Road will be signalized.

Page 2-35, Second Paragraph:

Last sentence which reads:

Completion of the Capacity Expansion Program currently being implemented by BART, e.g., new C-car procurement, Daly City Turnback/Yard, electrical capacity expansion, automatic train control and wayside train control/system performance modifications and brake rate algorithm modifications, would provide 2.25-minute spacings on transbay lines.

Is changed to read:

Completion of the Capacity Expansion Program currently being implemented by BART, e.g., new C-car procurement, Daly City Turnback/Yard, electrical capacity expansion, automatic train control and wayside train control/system performance modifications and brake rate algorithm modifications, would provide 2.25-minute spacings transbay.

Page 2-36, Third Paragraph, beginning at the Fourth Sentence:

Which reads:

Routes 120 and 140 have headways of 15 and 10 minutes, respectively, during commute hours. Route 180 provides more complete service coverage between the Fremont BART Station and the CalTrain Depot in San Jose. Route 180 has a scheduled headway of 10 minutes during commute hours and 15 minutes during the day. It has been assumed that the three SCCTD bus routes now serving the Fremont Station would relocate to the end station for each of the proposed project alternatives. Three local SCCTD lines (Routes 20, 71 and 33) would provide 15-minute peak and off-peak frequencies.

Is changed to read:

Routes 120 and 140 have headways of 35 and 30 minutes, respectively, during commute hours. Route 180 provides more complete service coverage between the Fremont BART Station and the CalTrain Depot in San Jose. Route 180 has a scheduled headway of 15 minutes during commute hours and 30 minutes during the day. It has been assumed that the three SCCTD bus routes now serving the Fremont Station would relocate to the end station for each of the proposed project alternatives. Three local SCCTD lines (Routes 20, 71 and 33) would provide 15-minute peak and 30 off-peak frequencies.

Page 2-42, First Paragraph:

Add the following after the third sentence:

(mitigations for stormwater control are discussed on page 3.4-10 and wetland habitats on page 3.5-26).

Page 2-49:

Table 2-5 is revised.

Under Alternative 8, change the amounts \$470, \$120, \$600, \$740 and \$820 to \$370, \$100, \$480, \$620 and \$700, respectively.

Under Proposed Project, change Right-of-Way Cost to \$163 and Total Project Cost to \$683.

A revised Table 2-5 is attached.

Table 2-5 (Revised)**Estimated Conceptual Capital Costs for Proposed Project and Alternatives with Basic Features
(Millions of Dollars - Escalated to Time of Expenditure)**

Item	Description (miles/number of stations)	Proposed Proj. (7.8/3)	Alt 4 (5.4/2)	Alt 5 (5.4/2)	Alt 6 (7.8/2)	Alt 7 (7.8/2)	Alt 8 (7.8/2)	Alt 9 (5.4/1)	Alt 10 (7.8/1)	Alt 11 (7.8/2)
1	Construction and Procurement	\$340	\$280	\$270	\$260	\$270	\$370	\$180	\$230	\$320
2	Engineering and Management	\$90	\$70	\$70	\$60	\$70	\$100	\$50	\$60	\$80
3	Start-up and Agreements	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10	\$10
4	Total Construction Cost (items 1 + 2 + 3)	\$440	\$360	\$350	\$330	\$350	\$480	\$240	\$300	\$410
5	Right-of-way Cost	\$163	\$110	\$90	\$160	\$180	\$140	\$80	\$140	\$150
6	Subtotal Project Cost (items 4 + 5)	\$610	\$470	\$440	\$490	\$530	\$620	\$320	\$440	\$560
7	Vehicle Cost	\$80	\$55	\$55	\$80	\$80	\$80	\$55	\$80	\$80
8	TOTAL PROJECT COST (items 6 + 7)*	\$683	\$525	\$495	\$570	\$610	\$700	\$375	\$520	\$640

* The above cost estimates do not include hazardous material removal and noise, vibration and other mitigations.

Page 2-50:

Table 2-6 is revised.

In the title, change (\$ in Millions) to (Millions of Dollars - Escalated to Time of Expenditure).

Change under Alternative 8, the project cost amount of \$740 to \$620.

Change under Alternatives 9 and 10, additional cost for at-grade Paseo Padre, "+9" to "+10" and "+8" to "+10", respectively.

A revised Table 2-6 is attached.

Page 3.3-2, First Paragraph, under REGULATORY FRAMEWORK:

Replace the following:

the local level for the project site include: the City of Fremont Hazardous Materials Division

With the following:

...the local level for the project site include: the Environmental Protection Division of the City of Fremont;

Page 3.3-3, Last Paragraph, Second Sentence:

Replace the following:

The City issues business plans, which are required by state law, submitted by facilities that use or store hazardous materials above a certain quantity.

With the following:

The City reviews business plans, which are required by State Law, submitted by regulated facilities that use or store hazardous materials above a certain quantity and issues Hazardous Material Permits for approved sites.

Page 3.3-7, Table 3.3-1, the following changes have been made:

Under the Status of Site 13, replace the following:

City has granted closure of site.

Table 2-6 (Revised)

**Estimated Conceptual Cost for Proposed Project and Alternatives with Design Options
(Millions of Dollars - Escalated to Time of Expenditure)**

	Prop. Proj.	Alt. 4	Alt. 5	Alt. 6	Alt. 7	Alt. 8	Alt. 9	Alt. 10	Alt. 11
1. BASIC FEATURES OF PROPOSED PROJECT AND ALTERNATIVES									
Length (miles)	7.8	5.4	5.4	7.8	7.8	7.8	5.4	7.8	7.8
Stations: Irvington	X	X	X						X
Warm Springs	X	X	X	X	X	X	X		
South Warm Springs	X			X	X	X		X	X
Alignment at Park	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial
Vertical Align. at Paseo Padre.	Aerial	At-grade*	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial	Aerial
Vertical Align. at Washington Blvd.	Subway	Subway	Subway	Subway	Aerial	Aerial	Subway	Subway	Subway
Project Cost with Basic Features (w/o vehicles)	\$610	\$470	\$440	\$490	\$530	\$620	\$320	\$440	\$560
2. ADDITIONAL COSTS FOR DESIGN OPTIONS:									
a) For Central Park Design Options									
1 - Subway under Lake Elizabeth	+\$60	+\$40	+\$60	+\$60	+\$40	+\$40	+\$60	+\$60	+\$60
2A - Aerial around Lake	+5	+5	+5	+5	+5	+5	+5	+5	+5
2S - Subway around Lake	+65	+45	+65	+65	+45	+45	+65	+65	+65
3 - Aerial around Park	+7	+7	+7	+7	+7	+7	+7	+7	+7
b) For other Design Options in combination with (a) above:									
At-Grade Paseo Padre									
with basic aerial alternative	+9	Basic	+9	+10	+7	+6	+10	+10	+9
with subway design options 1 and 2S	-17	N/A**	-17	-16	+2	0	-16	-16	-17
At other locations see NOTES below.									
3. COST FOR PROPOSED MITIGATIONS	\$32	\$29	\$29	\$31	\$27	\$46	\$29	\$32	\$32
4. COST FOR BART VEHICLES	\$80	\$55	\$55	\$80	\$80	\$80	\$55	\$80	\$80

* Includes overpass in cost estimate.

** Basic with Central Park Options.

NOTES: For Aerial Option over Washington Blvd., subtract \$2m from applicable alignments (Alternatives 6, 9, 10, 11).
For Aerial Option over Warren Ave., add \$13m to the applicable alignments (Alternatives 6, 7, 10, 11, and Proposed Project).
For End Option (UPRR Relocation), add \$3m to the applicable alignments (Alternatives 6, 7, 10, 11, and Proposed Project).

With the following:

Appropriate site closure is required, but has not been adequately addressed.

Under the Status of Site 27, replace the following:

Groundwater monitoring in progress.

With the following:

Treatment facility is in place.

The revised pages of Table 3.3-1 are attached.

Page 3.3-14, Last Paragraph:

Replace the following:

Operation of the project would not involve the use or storage of hazardous materials; however, there is a potential exposure to hazardous materials due to underground fuel pipelines located along portions of the proposed alignment. Ruptured or leaking fuel pipelines could contaminate surrounding soils or groundwater and create a potential health and safety risk. In addition, the proposed BART alignment would be located adjacent to the existing SPTCo and UPRR tracks which could expose BART patrons to hazardous materials spills in the event of a train accident or collision involving a SPTCo or UPRR train carrying hazardous materials. Trains from both rail companies carry hazardous materials on the track on a daily basis.

With the following:

Operation of the project would involve the use and storage of hazardous materials in and adjacent to the car wash and inspection pit adjacent to the tailtrack area south of the terminal station. The car wash would use a 1% solution of oxalic acid stored in a holding tank. Containers of a 10% oxalic acid solution would be stored on-site. Hazardous materials used in the emergency maintenance pit would include 80 or 90 weight lube oil, isopropyl alcohol and solvents for degreasing. The solvents may contain mineral spirits, 1,1,1 trichloroethane or xylene. These hazardous materials would be transported, stored and handled in conformance with standard BART procedures and applicable laws and regulations.

Table 3.3-1 - continued (Revised)

Site Name and Address	Incident	Potential or Known Subsurface Contaminants	Status
13. Fremont Wire & Plating ³ 2156 Prune Avenue	Improper storage of sodium hydroxide and sulfuric acid; sodium hydroxide spill.	Metals identified in soils.	Appropriate site closure is required, but has not been adequately addressed.
14. Mallar Finishing ³ 2878 Prune Avenue	City issued violation due to improper storage.	Unknown.	Unknown.
15. Glenmoor Companies ² 2020 Warm Springs Court	Storage of waste oil in 55-gal. drum; violation issued 1/90.	Unknown.	Unknown.
16. Tri-City Circuits ³ 2199 Warm Springs Court	Transportation, storage, and disposal facility; violations due to improper handling of hazardous materials.	Unknown.	Unknown.
17. J&L Enterprises ² 2040 Warm Springs Court	Violations issued in 9/88 due to improper labeling, storage, and disposal of hazardous materials.	Unknown.	Unknown.
18. Russett Diesel Service ³ 2090 Warm Springs Court	Removal of underground gasoline and diesel tanks.	Petroleum hydrocarbons, including oil and grease, detected in soils.	Unknown.
19. The Pump Shop ¹ 45845 Warm Springs Blvd.	Notices of violation issued in 5/89 and 10/89 by County due to contaminated absorbent material located in storm drain sump.	Unknown.	No further information available in file.

Table 3.3-1 - continued (Revised)

Site Name and Address	Incident	Potential or Known Subsurface Contaminants	Status
27. Fleming Foods ³ 48811 Warm Springs Blvd.	Unknown.	Petroleum hydrocarbons identified in groundwater.	Treatment facility is in place.
28. Bedford Properties/Cal Concrete ¹ 48870 Kato Road	Removal of underground gasoline and diesel tanks.	Petroleum hydrocarbons identified in soils and groundwater.	A bioremediation closure report was prepared for site in 12/89.
29. Tempglass ¹ 48999 Kato Road	Site has been identified on RWQCB Underground Fuel Leaks List.	Unknown. No information in file.	Unknown. No information in file.
30. Hertz Equipment Rental ¹ 48887 Kato Road	Release from underground waste oil tank in 3/89.	Oil and grease identified in soils.	No further information available in file.
31. Emco Dist. ¹ 48900 Milmont Drive	Groundwater monitoring program implemented in 12/85.	Petroleum hydrocarbons identified in groundwater.	No further information available in file.

¹ Source: RWQCB files, reviewed by Baseline in April 1991.

² Sources: BART, 1990, Draft EIR for Warm Springs Extension Project.
Ausmus, Beverly, 1990, Needs Assessment: Environmental Liability Assessment, Warm Springs Extension Project.

³ Source: Kal Krishnan Consulting Service, 1991, Phase II Environmental Survey, Warm Springs Extension.

Notes: RWQCB = Regional Water Quality Control Board.
City = City of Fremont.
ACWD = Alameda County Water District
Locations of sites are shown on Figure 3.3-1.

There is a potential of exposure to hazardous materials due to underground fuel pipelines located along portions of the proposed alignment. Ruptured or leaking fuel pipelines could contaminate surrounding soils or groundwater and create a potential health and safety risk. In addition, the proposed BART alignment would be located adjacent to the existing SPTCo and UPRR tracks which could expose BART patrons to hazardous materials spills in the event of a train accident or collision involving a SPTCo or UPRR train carrying hazardous materials. Trains from both rail companies carry hazardous materials on the track on a daily basis.

Page 3.3-18, Second Paragraph, Last Sentence:

Replace the following:

No information regarding site investigations was available for site 11; the City of Fremont has granted closure for site 13 (Figure 3.3-1 and Table 3.3-1).

With the following:

No information regarding site investigations was available for site 11; Site 13 has been ordered to implement an approved closure plan; however, as of this date, this has not been done and the case has been referred to enforcement (Figure 3.3-1 and Table 3.3-1).

Page 3.5-3 to Page 3.5-8, Table 3.5-1:

Is amended to include:

Mule Deer (*Odocoileus hemionus*), Eared grebe (*P. nigricollus*), Clark's grebe (*Aechmophorus clarkii*), White pelican (*Pelecanus erythrorhynchos*), Chestnut-backed chickadee (*Parus rufescens*), Loggerhead shrike (*Lanius ludovicianus*) (replaces Northern shrike), Northern oriole (*Icterus galbula*), Black headed grosbeak (*Pheucticus melanocephalus*), and House sparrow (*Passer domesticus*).

A revised Table 3.5-1 is attached.

Page 3.5-14, Second Paragraph:

After last sentence, add the following text:

A botanist surveyed the project alignment in August 1991 for the delta tulle-pea (*Lathyrus jepsonii* spp. *jepsonii*) and Hoovers's button celery (*Erynigium*

Table 3.5-1 (Revised)
Birds and Mammals Observed or Expected to Use Habitat
Along Proposed Project Alignment

Common (<i>Scientific</i>) name	Habitats ¹				
	UR	GA	LE	RF	SW
<i>Birds</i>					
Double-crested Cormorant (<i>Phalacrocorax auritus</i>)			☐		
Pied-billed Grebe (<i>Podilymbus podiceps</i>)			☐		
Horned Grebe (<i>Podiceps auritus</i>)			☐		
Eared Grebe (<i>Podiceps nigricollis</i>)			☐		
Western Grebe (<i>Aechmophorus occidentalis</i>)			☐		
Clark's Grebe (<i>Aechmophorus clarkii</i>)			☐		
White Pelican (<i>Pelecanus erythrorhynchos</i>)			☐		
Great Blue Heron (<i>Ardea herodias</i>)			☐		☐
Green-backed Heron (<i>Butorides striatus</i>)			☐		☐
Great Egret (<i>Casmerodius albus</i>)		☐	☐		☐
Snowy Egret (<i>Egretta thula</i>)			☐		
Black-crowned Night Heron (<i>Nycticorax nycticorax</i>)			☐		
Canada Goose (<i>Branta canadensis</i>)			☐		
Greater White-fronted Geese (<i>Anser albifrons</i>)			☐		
Cinnamon Teal (<i>Anas cyanoptera</i>)			☐		
Bufflehead (<i>Bucephala albeola</i>)			☐		
Mallard (<i>Anas platyrhynchos</i>)			☐		☐
Ruddy Duck (<i>Oxyura jamaicensis</i>)			☐		
Turkey Vulture (<i>Cathartes aura</i>)		☐			

¹ UR = Urban and residential landscaped; GA = Grassland and agriculture; LE = Lake Elizabeth;
 RF = Riparian forest; SW = Seasonal wetlands.

Key:

- + = Species of special concern.
- = Candidate for listing under Federal Endangered Species Act.
- ☐ = Species observed in habitat.
- = Species expected in habitat.

Table 3.5-1 - continued (Revised)

Common (<i>Scientific</i>) name	Habitats ¹				
	UR	GA	LE	RF	SW
Black-shouldered Kite (<i>Elanus caeruleus</i>)+		☐			
Northern Harrier (<i>Circus cyaneus</i>)+		☐			
Sharp-shinned Hawk (<i>Accipiter striatus</i>)		☐			
Cooper's Hawk (<i>Accipiter cooperii</i>)+		☐		☐	
Red-shouldered Hawk (<i>Buteo lineatus</i>)		☐		☐	
Red-tailed Hawk (<i>Buteo jamaicensis</i>)		☐			
Ferruginous Hawk (<i>Buteo regalis</i>)		☐			
American Kestrel (<i>Falco sparverius</i>)		☐			
Ring-necked Pheasant (<i>Phasianus colchicus</i>)		☐			
Virginia Rail (<i>Rallus limicola</i>)			☐		
American Coot (<i>Fulica americana</i>)			☐		☐
Common Moorhen (<i>Gallinula chloropus</i>)			☐		☐
Sora (<i>Porzana carolina</i>)			☐		☐
Killdeer (<i>Charadrius vociferus</i>)					☐
Black-necked Stilt (<i>Himantopus mexicanus</i>)					☐
Greater Yellowlegs (<i>Tringa melanoleuca</i>)			☐		☐
Least Sandpiper (<i>Calidris minutilla</i>)			☐		☐
Short-billed Dowitcher (<i>Limnodromus griseus</i>)			☐		☐
Long-billed Dowitcher (<i>Limnodromus scolopaceus</i>)			☐		☐
Common Snipe (<i>Gallinago gallinago</i>)		☐			☐
Long-billed Curlew (<i>Numenius phaeopus</i>)*		☐			
Western Gull (<i>Larus occidentalis</i>)			○		
Rock Dove (<i>Columba livia</i>)	☐				

¹ UR = Urban and residential landscaped; GA = Grassland and agriculture; LE = Lake Elizabeth; RF = Riparian forest; SW = Seasonal wetlands.

Key:

+ = Species of special concern.

* = Candidate for listing under Federal Endangered Species Act.

☐ = Species observed in habitat.

○ = Species expected in habitat.

Table 3.5-1 - continued (Revised)

Common (<i>Scientific</i>) name	Habitats ¹				
	UR	GA	LE	RF	SW
Mourning Dove (<i>Zenaida macroura</i>)	☐	☐	☐		
Burrowing Owl (<i>Athene cunicularia</i>) ⁺		☐			
White-throated Swift (<i>Aeronautes saxatalis</i>)		☐	☐	☐	☐
Anna's Hummingbird (<i>Calypte anna</i>)		☐		☐	
Nuttall's Woodpecker (<i>Dendrocopos nuttallii</i>)				☐	
Downy Woodpecker (<i>Dendrocopos pubescens</i>)				☐	
Northern Flicker (<i>Colaptes auratus</i>)				☐	
Black Phoebe (<i>Sayornis nigricans</i>)		☐		☐	
Say's Phoebe (<i>Sayornis saya</i>)		☐		☐	
Tree Swallow (<i>Tachycineta bicolor</i>)		☐		☐	
Violet-green Swallow (<i>Tachycineta thalassina</i>)		☐	☐		
Northern Rough-winged Swallow (<i>Stelgidopteryx serripennis</i>)			☐	☐	
Cliff Swallow (<i>Hirundo pyrrhonota</i>)		☐	☐		
Barn Swallow (<i>Hirundo rustica</i>)		☐	☐		
Common Crow (<i>Corvus brachyrhynchos</i>)		☐		☐	
Scrub Jay (<i>Aphelocoma coerulescens</i>)	☐			☐	
Chestnut-backed Chickadee (<i>Ponis sufescens</i>)				☐	
Bushtit (<i>Psaltiriparus minimus</i>)				☐	
Marsh Wren (<i>Cistothorus palustris</i>)			☐		
Swainson's Thrush (<i>Catharus ustulatus</i>)				☐	☐
Northern Mockingbird (<i>Mimus polyglottos</i>)	☐			☐	
American Robin (<i>Turdus migratorius</i>)	☐	☐			
Loggerhead Shrike (<i>Lanius ludovicianus</i>)		☐		☐	

¹ UR = Urban and residential landscaped; GA = Grassland and agriculture; LE = Lake Elizabeth; RF = Riparian forest; SW = Seasonal wetlands.

Key:

+ = Species of special concern.

* = Candidate for listing under Federal Endangered Species Act.

☐ = Species observed in habitat.

○ = Species expected in habitat.

Table 3.5-1 - continued (Revised)

Common (<i>Scientific</i>) name	Habitats ¹				
	UR	GA	LE	RF	SW
European Starling (<i>Sturnus vulgaris</i>)	☐	☐			
Yellow Warbler (<i>Dendroica petechia</i>)			☐	☐	
Yellow-rumped Warbler (<i>Dendroica coronata</i>)				☐	
Common Yellowthroat (<i>Geothlypis trichas</i>)			☐	☐	
Wilson's Warbler (<i>Wilsonia pusilla</i>)				☐	
Lazuli Bunting (<i>Passerina amoena</i>)			☐	☐	
California Towhee (<i>Pipilo crissalis</i>)	☐	☐		☐	
Rufous-sided Towhee (<i>Pipilo erythrophthalmus</i>)				☐	
Savannah Sparrow (<i>Passerculus sandwichensis</i>)		☐	☐		☐
Song Sparrow (<i>Melospiza melodia</i>)				☐	
Lincoln's Sparrow (<i>Melospiza lincolnii</i>)			☐	☐	
Golden-crowned Sparrow (<i>Zonotrichia atricapilla</i>)		☐		☐	
White-crowned Sparrow (<i>Zonotrichia leucophrys</i>)		☐			
Red-winged Blackbird (<i>Agelaius phoeniceus</i>)			☐		☐
Tricolored Blackbird (<i>Agelaius tricolor</i>)*			○		○
Western Meadowlark (<i>Sturnella neglecta</i>)		☐			
Brewer's Blackbird (<i>Euphagus cyanocephalus</i>)	☐	☐			
Northern Oriole (<i>Icteris galbula</i>)				☐	
House Finch (<i>Carpodacus mexicanus</i>)				☐	
Lesser Goldfinch (<i>Carduelis psaltria</i>)		☐	☐	☐	
American Goldfinch (<i>Carduelis tristis</i>)		☐		☐	
Black-headed Grosbeak (<i>Pheocticus melanocephalus</i>)				☐	
House Sparrow (<i>Passer domesticus</i>)	☐	☐			

¹ UR = Urban and residential landscaped; GA = Grassland and agriculture; LE = Lake Elizabeth; RF = Riparian forest; SW = Seasonal wetlands.

Key:

+ = Species of special concern.

* = Candidate for listing under Federal Endangered Species Act.

☐ = Species observed in habitat.

○ = Species expected in habitat.

Table 3.5-1 - continued (Revised)

Common (<i>Scientific</i>) name	Habitats ¹				
	UR	GA	LE	RF	SW
<i>Mammals</i>					
Mule deer (<i>Odocoileus hemionus</i>)		☐		☐	
Red Fox (<i>Vulpes fulva</i>)		☐		☐	
Gray Fox (<i>Urocyon cinereoargenteus</i>)		☐		☐	
Black-tailed Jackrabbit (<i>Lepus californicus</i>)		☐			
Meadow Vole (<i>Microtus californicus</i>)		○			
Deer Mouse (<i>Peromyscus maniculatus</i>)		○			
Western Harvest Mouse (<i>Reithrodontomys megalotis</i>)		○			
California Ground Squirrel (<i>Otospermophilus beecheyi</i>)		☐			
Bottae Pocket Gopher (<i>Thomomys bottae</i>)		☐			
Virginia Opossum (<i>Didelphis virginiana</i>)				☐	
Striped Skunk (<i>Mephitis mephitis</i>)				☐	
Muskrat (<i>Ondatra zibethicus</i>)			☐		
Raccoon (<i>Procyon lotor</i>)				☐	

¹ UR = Urban and residential landscaped; GA = Grassland and agriculture; LE = Lake Elizabeth; RF = Riparian forest; SW = Seasonal wetlands.

Key:

- + = Species of special concern.
- * = Candidate for listing under Federal Endangered Species Act.
- ☐ = Species observed in habitat.
- = Species expected in habitat.

aristulatum var. *hooverii*). No suitable habitat for the delta tule-pea was identified nor were either species observed during the field surveys.

Page 3.5-17, Second Paragraph:

After the last sentence, add the following text:

Five sites along the proposed project alignment were surveyed for San Francisco forktail damselflies (*Ischnura gemina*) on September 17, 1991 by Dr. John Hafernik, San Francisco State University. The sites included drainage channels near Kato Road, Warren Avenue, Warm Springs Boulevard, Durham Road and the Lake Elizabeth area including the Mission Creek drainage. The Kato Road, Durham Road, and Mission Creek drainages contained habitat that appeared suitable for the San Francisco forktail damselfly. No San Francisco forktail damselflies were found; hence, this species does not currently inhabit these wetlands or is rare. The nearest record for this species is from a flood control channel at the western end of the Durham Road about 2.5 miles northwest of the project alignment. Captured individuals of *Ischnura denticollis*, which are morphologically and ecologically similar to *I. gemina*, had characteristics that indicate past interbreeding with *I. gemina*, suggesting that the San Francisco damselfly was found in these wetlands in the past and might extend their range into them in the future.

Page 3.5-19, Third Line:

Insert "approximately" in front of "26 feet wide."

Page 3.5-29, First Paragraph under DESIGN OPTION 2A, Second Sentence:

Add to the end of the sentence after forest:

except as discussed in Section 3.7.3, page 3.7-20 regarding impacts to Lake Elizabeth during construction for Design Option 2A.

Page 3.6-13, Third Paragraph:

Add a new forth sentence following the phrase "...inclusive land use category":

The area extending south of Grimmer Boulevard to Brown Road is designated a study area in the General Plan. The City or any other party could initiate a study for a potential change in land use in this area.

Page 3.6-18:

Delete the last sentence:

Similarly, the City has proposed that land use designations around the proposed Irvington Station area be reviewed.

Page 3.6-22, Last Paragraph, Last Two Sentences:

Replace the following:

Although Shapell has withdrawn its request, this area is still being assessed to determine whether a viable residential community can be created. A major constraint would be the nearby NUMMI plant, which has expressed concern that residential land use would be incompatible with the operation of an automobile manufacturing plant.

With the following:

Although Shapell has withdrawn its request for a General Plan amendment, the General Plan identifies the area generally bounded by South Grimmer Boulevard, I-680, Mission Boulevard/Brown Road and the railroad corridor as a Study Area for a potential change of land use. Any party could initiate a land use study of the area, although no change is being assessed at present. Existing industrial operations in the area, including NUMMI, have expressed concerns about changing land use designations adjacent to industrial operations to allow residential development.

Page 3.6-30, Last Paragraph:

The phrase "specific plan" in the first and last lines is hereby changed to "study plan."

Page 3.6-31, Second Full Paragraph:

Replace the following:

The development of a BART station in Irvington is very important to the redevelopment potential of this area. To this end, the Irvington BART Station Concept Plan was created and adopted in March 1990. The plan addresses issues of land use, urban design, site design and circulation associated with the development of an Irvington BART Station. It is fairly specific and addresses issues such as parcels available for new development and recommended land uses for them, orientation of the station structure,

and circulation for pedestrians and automobiles between the station and the surrounding areas.

With the following:

The development of a BART station in Irvington is seen by the City of Fremont as being very important to the redevelopment of this area. Recent plans for redevelopment actions in the area have been approved with flexibility for future integration of the proposed Irvington Station. In March 1990, plans and specifications for street widening in the Irvington area, with final designs for plazas and central places were approved. However, design and street improvements related to the BART Station were to be considered at later date, when plans were available, to ensure that the BART station design fits into the community and neighborhood.

Footnote 2, Page 3.6-31 is hereby deleted.

Page 3.6-43, Second Item Listed Under NEIGHBORHOOD MITIGATION MEASURES:

Replace the following:

- Construction traffic control criteria should be developed in consultation with local business associations before any construction activity is undertaken by BART. A traffic control plan could be prepared in accordance with these criteria.

With the following:

- Construction traffic control criteria should be developed in consultation with the City of Fremont and local business associations before any construction activity is undertaken by BART. A traffic control plan could be prepared in accordance with these criteria.

Page 3.7-11, Third Paragraph, First Sentence:

Insert "approximately" in from of "26 feet wide."

Page 3.7-19, Second Full Paragraph, First Sentence:

Replace the following:

Again, like the Proposed Project alignment, the BART structure for Design Option 2A would cover about 115,000 square feet (2.6 acres) of land in the park while the proposed BART alignment would occupy about five acres.

With the following:

Again, like the Proposed Project, the BART structure for Design Option 2A would cover about 115,000 square feet (2.6 acres) of land in the park.¹

The footnote does not change.

Page 3.7-19, Third Full Paragraph, Third Sentence:

Precede sentence with "For example, the conceptual engineering drawings show that the" and delete the capital "The" at the beginning of the sentence.

Page 3.7-20, Second Paragraph under CONSTRUCTION PERIOD IMPACTS, Last Sentence:

Delete the phrase "by 10 to 12 feet more than would be the case once construction is completed" and replace with "until construction is completed."

Page 3.9-11/12:

The first full paragraph on page 3.9-11 which reads:

A focused subsurface archaeological testing program would be designed to determine the depositional integrity and the cultural complexity of deposits at specific locations that will be affected by the Proposed Project (as per CEQA Appendix K guidelines). These investigations would be conducted by qualified professionals experienced in South Bay prehistoric studies. The testing programs should be conducted within the context of appropriate research considerations and should result in a detailed technical document that defines the exact project impacts to the site and presents a project-specific mitigation program for addressing those impacts.

Is hereby moved to the next page and inserted in the Mitigation subsection after the hearing CA-Ala-343.

Page 3.11-1, Footnote 1:

Which reads:

¹ In 1988 the death rate in the United States for passenger cars was 1.19 per hundred million miles. For buses the rate was 0.03, for scheduled airlines it was 0.01 deaths and for passenger rail trains it was 0.02. National Safety Council, 1990, *Accident Facts*, p. 90.

Is changed to read:

¹ In 1988 the death rate in the United States for passenger cars was 1.19 per hundred million miles. For buses the rate was 0.03, for scheduled airlines it was 0.01 deaths per hundred million passenger miles and for passenger rail trains it was 0.02 per hundred million passenger miles. National Safety Council, 1990, *Accident Facts*, p. 90.

Page 3.11-4, First Line:

Replace the following:

The Fremont Fire Department currently operates eight fire stations.

With the following:

The Fremont Fire Department currently operates nine fire stations.

Page 3.12-13, third paragraph, fourth sentence:

Replace the following:

City of Fremont plans provide for Osgood Road/Warm Springs Boulevard to become a four-lane undivided facility from Washington Boulevard to just north of Mission Boulevard.

With the following:

City of Fremont plans provide for Osgood Road/Warm Springs Boulevard to become a four-lane facility with provision for left turn movements from Washington Boulevard to just north of Mission Boulevard.

Page 3.12-20, Second Line under RAIL LINES:

Replace the word "barriers" with "automated gates."

Page 3.12-36, Table 3.12-9:

Correct typographical error:

- For Driscoll Rd.-Osgood Rd./Washington Bl, the evening peak hour V/C ratio with the proposed project should be 1.09.

The corrected table is attached.

Page 3.12-56, After the Second Bullet:

Add a new bullet:

- I-680 Northbound Ramps-Luzon/Washington Boulevard would have an evening peak hour LOS E, with or without the project. The BART extension would contribute 1.2 percent of the traffic to this intersection in year 2010.

Page 3.12-56:

Delete the last bullet regarding Fremont Boulevard/Cushing Road-I-880 Southbound Ramps.

On the following pages and tables:

Page 3.12-57, Table 3.12-10;

Page 3.12-77, Table 3.12-17;

Page 3.12-85, Table 3.12-22;

Page 3.12-91, Table 3.12-27;

Page 3.12-103, Table 3.12-37:

Incorporate City of Fremont comments regarding planned improvements, with and without the project for these intersections:

- I-680 Northbound Ramps-Luzon/Washington Boulevard, which results in significant impact both with and without the project.
- I-680 Northbound Ramps/Durham Road, which changes impact to not significant.
- Fremont Boulevard/Cushing Road-I-880 Southbound Ramps, which changes impact to not significant.

The corrected tables are attached.

Table 3.12-9 (Revised)

**Summary of Intersection Traffic Analysis Results - Proposed Project
Year 1998**

Intersection		W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
		LOS	V/C	LOS	V/C	Amount	Percent *	
Irvington								
1.	Fremont Bl/Bay St/ Washington Bl	A.M. B (0.64) P.M. D (0.81)		B (0.65) D (0.83)		218 200	9.4 6.6	No
2.	Driscoll Rd-Osgood Rd/ Washington Bl		F (1.23) E (0.95)	F (1.39) F (1.09)		308 282	8.7 7.4	Yes
3.	I-680 SB Ramps/ Washington Bl		E/A E/C	E/B E/C		35 32	2.2 1.8	No
4.	I-680 NB Ramps-Luzon/ Washington Bl		A (0.55) B (0.62)	A (0.55) B (0.63)		34 31	2.0 1.6	No
5.	Osgood Rd/Blacow Rd		A (0.41) A (0.29)	A (0.41) A (0.29)		13 12	1.0 1.2	No
6.	Osgood Rd/BART St Irvington		-- --	A (0.44) A (0.41)		299 228	18.9 19.1	No
Warm Springs								
1.	Osgood Rd/ Durham Rd		C (0.79) D (0.85)	C (0.79) D (0.85)		78 71	1.6 1.6	No
2.	I-680 SB Ramps/ Durham Rd		B (0.64) A (0.59)	B (0.65) B (0.61)		67 61	1.5 1.8	No
3.	I-680 NB Ramps/ Durham Rd		A (0.51) A (0.42)	A (0.52) A (0.44)		45 52	2.3 2.5	No
4.	S. Grimmer Bl/Osgood Rd-Warm Springs Bl		>C >C	>C >C		195 177	7.0 8.2	Yes
5.	Fremont Bl/ S. Grimmer Bl		A (0.49) A (0.44)	A (0.49) A (0.44)		50 46	2.2 2.2	No
6.	Fremont Bl/ I-880 NB Ramps		F/A E/B	F/A E/B		44 40	2.5 2.1	Yes
7.	Fremont Blvd/Cushing Rd-I-880 SB Ramps		>C >C	>C >C		21 29	0.9 2.0	Yes
8.	Mohave Dr/ Mission Bl		C (0.80) F (1.25)	D (0.84) F (1.30)		281 256	5.5 4.4	Yes
9.	Warm Springs Bl/BART St W.S. North		-- --	C (0.71) B (0.64)		417 263	15.5 10.4	No
10.	Warm Springs Bl/ BART St W.S. South		-- --	B (0.63) C (0.75)		434 395	16.3 14.9	No
11.	Warm Springs Bl/ Mission Bl		E (0.96) F (1.02)	E (0.97) F (1.02)		359 326	5.1 3.6	Yes

Note: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-9 - continued (Revised)
Summary of Intersection Traffic Analysis Results - Proposed Project
Year 1998

Intersection		W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
		LOS	V/C	LOS	V/C	Amount	Percent *	
South Warm Springs								
1.	Milmont Dr/ Kato Rd	F/D	F/E	290	12.8	Yes		
		F/A	F/B	263	16.2			
2.	Warm Springs Bl/ Kato Rd/Scott Creek Rd	C (0.71)	C (0.77)	178	4.7	Yes		
		D (0.82)	D (0.87)	161	4.0			
3.	I-680 SB Ramps/ Scott Creek Rd	E/A	E/A	98	4.2	No		
		D/A	D/A	89	4.0			
4.	I-680 NB Ramps/ Scott Creek Rd	A/A	A/A	76	4.7	No		
		A/A	A/A	34	2.5			
5.	N. Milpitas Bl/ Dixon Landing Rd	E (0.93)	E (0.94)	75	2.3	Yes		
		D (0.86)	D (0.88)	68	2.0			
6.	Milmont Dr/ Dixon Landing Rd	F (1.10)	F (1.28)	285	9.0	Yes		
		A (0.58)	B (0.69)	259	10.5			
7.	I-880 NB Ramps-California Cr/Dixon Landing Rd	F (1.16)	F (1.32)	285	8.5	Yes		
		D (0.82)	E (0.94)	259	8.8			
8.	I-880 SB Ramps/ Dixon Landing Rd	A/A	A/A	64	3.5	No		
		A/A	A/A	171	11.5			
9.	Warm Springs Rd/BART St S.W.S. North	--	A (0.54)	8	0.3	No		
		--	A (0.46)	7	0.3			
10.	Warm Springs Rd/ BART St S.W.S. SE	--	B (0.62)	139	5.5	No		
		--	A (0.51)	126	5.1			
11.	Kato Rd/BART St S.W.S. South	--	A (0.49)	332	24.0	No		
		--	A (0.33)	301	53.5			

Note: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-10 - (Revised)

**Summary of Intersection Traffic Analysis Results - Proposed Project
Year 2010 (Cumulative Impact)**

Intersection		W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
		LOS	V/C	LOS	V/C	Amount	Percent *	
<i>Irvington</i>								
1.	Fremont Bl/Bay St/ Washington Bl	A.M. F (1.03) P.M. F (1.05)		F (1.03) F (1.05)		40 37	1.1 0.8	Yes
2.	Driscoll Rd-Osgood Rd/ Washington Bl	A (0.60) C (0.78)		B (0.66) C (0.80)		142 130	4.0 3.2	No
3.	I-680 SB Ramps/ Washington Bl		E/D F/F		E/D F/F	40 37	1.4 1.2	Yes
4.	I-680 NB Ramps-Luzon/ Washington Bl		C (0.75) E (0.97)		C (0.76) E (0.98)	38 35	1.5 1.2	Yes
5.	Osgood Rd/Blacow Rd		A (0.45) A (0.54)		A (0.55) A (0.58)	221 203	9.4 8.8	No
6.	Osgood Rd/BART St Irvington		-- --		A (0.45) A (0.50)	229 217	16.5 12.5	No
<i>Warm Springs</i>								
1.	Osgood Rd/ Durham Rd		E (0.96) D (0.87)		E (0.97) E (0.94)	93 84	1.5 1.5	Yes
2.	I-680 SB Ramps/ Durham Rd		D (0.86) A (0.50)		D (0.88) A (0.51)	79 72	1.9 2.1	Yes
3.	I-680 NB Ramps/ Durham Rd		C (0.78) B (0.69)		D (0.80) B (0.70)	53 62	2.0 2.4	No
4.	S. Grimmer Bl/Osgood Rd-Warm Springs Bl		B (0.62) A (0.46)		B (0.67) A (0.50)	231 210	8.3 8.2	No
5.	Fremont Bl/ S. Grimmer Bl		A (0.59) A (0.45)		A (0.60) A (0.47)	59 54	2.2 2.3	No
6.	Fremont Bl/ I-880 NB Ramps		C (0.71) A (0.42)		C (0.71) A (0.42)	53 48	1.3 1.3	No
7.	Fremont Blvd/Cushing Rd-I-880 SB Ramps		C (0.74) C (0.77)		C (0.74) C (0.77)	25 34	0.4 0.6	No
8.	Mohave Dr/ Mission Bl		D (0.83) D (0.87)		D (0.90) E (0.91)	334 304	5.3 5.3	Yes
9.	Warm Springs Bl/BART St W.S. North		-- --		C (0.79) A (0.46)	496 313	17.0 17.3	No
10.	Warm Springs Bl/ BART St W.S. South		-- --		B (0.67) A (0.52)	516 469	17.6 23.9	No
11.	Warm Springs Bl/ Mission Bl		E (0.95) C (0.77)		E (0.96) D (0.88)	426 388	5.3 5.8	Yes

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-10 - continued (Revised)
Summary of Intersection Traffic Analysis Results - Proposed Project
Year 2010 (Cumulative Impacts)

Intersection	W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
	LOS	V/C	LOS	V/C	Amount	Percent *	
South Warm Springs							
1. Milmont Dr/ Kato Rd	C (0.71) A (0.59)		D (0.82) C (0.79)		326	12.9	No
					296	13.0	
2. Warm Springs Bl/ Kato Rd/Scott Creek Rd	E (0.91) C (0.72)		E (0.94) C (0.77)		200	3.9	Yes
					182	4.7	
3. I-680 SB Ramps/ Scott Creek Rd	A (0.35) A (0.45)		A (0.37) A (0.45)		110	5.1	No
					100	3.8	
4. I-680 NB Ramps/ Scott Creek Rd	A/A A/A		A/A A/A		85	5.4	No
					38	2.5	
5. N. Milpitas Bl/ Dixon Landing Rd	F (1.01) D (0.88)		F (1.01) D (0.90)		84	2.3	Yes
					76	2.2	
6. Milmont Dr/ Dixon Landing Rd	F (1.02) E (0.97)		F (1.22) F (1.05)		321	9.0	Yes
					292	8.1	
7. I-880 NB Ramps-California Cr/Dixon Landing Rd	E (0.96) C (0.78)		F (1.12) C (0.78)		321	5.9	Yes
					292	6.7	
8. I-880 SB Ramps/ Dixon Landing Rd	A (0.60) A (0.49)		A (0.60) A (0.49)		72	2.0	No
					193	4.8	
9. Warm Springs Rd/BART St S.W.S. North	-- --		A (0.51) A (0.52)		9	0.3	No
					8	0.3	
10. Warm Springs Rd/ BART St S.W.S. SE	-- --		A (0.58) B (0.61)		156	5.4	No
					143	5.7	
11. Kato Rd/BART St S.W.S. South	-- --		C (0.78) A (0.46)		373	18.6	No
					339	23.8	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-17 (Revised)
Summary of Intersection Traffic Analysis Results - Alternatives 4 or 5
Year 2010

Intersection		W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
		LOS	V/C	LOS	V/C	Amount	Percent *	
Irvington								
1.	Fremont Bl/Bay St/ Washington Bl	A.M.	F (1.03)	F (1.03)		46	1.2	Yes
		P.M.	F (1.05)	F (1.06)		43	1.0	
2.	Driscoll Rd-Osgood Rd/ Washington Bl	B	(0.60)	B (0.66)		136	3.8	No
		C	(0.78)	C (0.80)		124	3.0	
3.	I-680 SB Ramps/ Washington Bl		E/D	E/D		39	1.4	Yes
			F/F	F/F		36	1.2	
4.	I-680 NB Ramps-Luzon/ Washington Bl	C	(0.75)	C (0.76)		37	1.5	Yes
		E	(0.97)	E (0.98)		34	1.2	
5.	Osgood Rd/Blacow Rd	A	(0.45)	A (0.55)		221	9.4	No
		A	(0.54)	A (0.57)		203	8.8	
6.	Osgood Rd/BART St Irvington		--	A (0.45)		223	16.1	No
			--	A (0.50)		212	12.3	
Warm Springs								
1.	Osgood Rd/ Durham Rd	E	(0.96)	E (0.97)		84	1.4	Yes
		D	(0.87)	E (0.93)		77	1.4	
2.	I-680 SB Ramps/ Durham Rd	D	(0.86)	D (0.87)		67	1.6	Yes
		A	(0.50)	A (0.51)		61	1.8	
3.	I-680 NB Ramps/ Durham Rd	C	(0.98)	D (0.80)		54	2.1	No
		B	(0.69)	C (0.70)		56	2.1	
4.	S. Grimmer Bl/Osgood Rd-Warm Springs Bl	B	(0.62)	B (0.66)		261	9.3	No
		A	(0.46)	A (0.52)		237	9.2	
5.	Fremont Bl/ S. Grimmer Bl	A	(0.59)	B (0.61)		135	4.8	No
		A	(0.45)	A (0.49)		123	5.0	
6.	Fremont Bl/ I-880 NB Ramps	C	(0.71)	C (0.71)		126	3.0	No
		A	(0.42)	A (0.43)		115	2.9	
7.	Fremont Blvd/Cushing Rd-I-880 SB Ramps	C	(0.74)	C (0.74)		45	0.7	No
		C	(0.77)	C (0.97)		79	1.4	
8.	Mohave Dr/ Mission Bl	D	(0.83)	D (0.90)		265	4.2	Yes
		D	(0.87)	E (0.91)		241	4.3	
9.	Warm Springs Bl/BART St W.S. North		--	C (0.77)		472	16.4	No
			--	A (0.46)		320	17.6	
10.	Warm Springs Bl/ BART St W.S. South		--	D (0.82)		657	21.4	No
			--	B (0.61)		597	28.5	
11.	Warm Springs Bl/ Mission Bl	E	(0.95)	F (1.01)		577	7.1	Yes
		C	(0.77)	D (0.86)		525	7.7	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-22 (Revised)

Summary of Intersection Traffic Analysis Results - Alternatives 6, 7 or 8
Year 2010

Intersection	W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
	LOS	V/C	LOS	V/C	Amount	Percent *	
Warm Springs							
1. Osgood Rd/ Durham Rd	A.M.	E (0.96)	E (0.97)		95	1.6	Yes
	P.M.	D (0.87)	D (0.90)		86	1.6	
2. I-680 SB Ramps/ Durham Rd		D (0.86)	D (0.87)		41	1.0	Yes
		A (0.50)	A (0.50)		37	1.1	
3. I-680 NB Ramps/ Durham Rd		C (0.78)	C (0.79)		30	1.2	No
		B (0.69)	B (0.69)		33	1.3	
4. S. Grimmer Bl/Osgood Rd-Warm Springs Bl		B (0.62)	B (0.66)		217	7.8	No
		A (0.46)	A (0.50)		197	7.8	
5. Fremont Bl/ S. Grimmer Bl		A (0.59)	A (0.60)		81	2.9	No
		A (0.45)	A (0.47)		74	3.1	
6. Fremont Bl/ I-880 NB Ramps		C (0.71)	C (0.71)		47	1.2	No
		A (0.42)	A (0.42)		43	1.1	
7. Fremont Blvd/Cushing Rd-I-880 SB Ramps		C (0.74)	C (0.74)		25	0.4	No
		C (0.77)	C (0.77)		31	0.5	
8. Mohave Dr/ Mission Bl		D (0.83)	D (0.90)		369	5.8	Yes
		D (0.87)	E (0.92)		336	5.8	
9. Warm Springs Bl/BART St W.S. North		--	D (0.83)		509	17.4	No
		--	A (0.46)		310	17.2	
10. Warm Springs Bl/ BART St W.S. South		--	B (0.66)		535	18.1	No
		--	A (0.53)		487	24.6	
11. Warm Springs Bl/ Mission Bl		E (0.95)	E (0.96)		457	5.7	Yes
		C (0.77)	D (0.89)		416	6.2	
South Warm Springs							
1. Milmont Dr/ Kato Rd		C (0.71)	D (0.82)		347	13.6	No
		A (0.59)	D (0.81)		315	13.7	
2. Warm Springs Bl/ Kato Rd/Scott Creek		E (0.91)	E (0.94)		204	4.0	Yes
		C (0.60.72)	C (0.77)		185	4.8	
3. I-680 SB Ramps/ Scott Creek Rd		A (0.35)	A (0.37)		116	5.3	No
		A (0.45)	A (0.45)		105	4.0	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-27 (Revised)**Summary of Intersection Traffic Analysis Results - Alternative 9
Year 2010**

Intersection	W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
	LOS	V/C	LOS	V/C	Amount	Percent *	
<i>Warm Springs</i>							
1. Osgood Rd/ Durham Rd	A.M.	E (0.96)	E (0.97)		84	1.4	Yes
	P.M.	D (0.87)	D (0.87)		76	1.4	
2. I-680 SB Ramps/ Durham Rd		D (0.86)	D (0.86)		17	0.4	Yes
		A (0.50)	A (0.50)		15	0.5	
3. I-680 NB Ramps/ Durham Rd		C (0.78)	C (0.79)		10	0.4	No
		B (0.69)	B (0.69)		13	0.5	
4. S. Grimmer Bl/Osgood Rd-Warm Springs Bl		B (0.62)	B (0.66)		252	9.0	No
		A (0.46)	A (0.46)		229	9.0	
5. Fremont Bl/ S. Grimmer Bl		A (0.59)	B (0.61)		143	5.1	No
		A (0.45)	A (0.45)		130	5.3	
6. Fremont Bl/ I-880 NB Ramps		C (0.71)	C (0.71)		109	2.6	No
		A (0.42)	A (0.42)		99	2.5	
7. Fremont Blvd/Cushing Rd-I-880 SB Ramps		C (0.74)	C (0.74)		35	0.6	No
		C (0.77)	C (0.77)		69	1.2	
8. Mohave Dr/ Mission Bl		D (0.83)	D (0.90)		273	4.4	Yes
		D (0.87)	E (0.87)		248	4.3	
9. Warm Springs Bl/BART St W.S. North		--	C (0.76)		468	16.2	No
		--	A (0.46)		313	17.3	
10. Warm Springs Bl/ BART St W.S. South		--	C (0.80)		638	20.9	No
		--	A (0.61)		579	27.9	
11. Warm Springs Bl/ Mission Bl		E (0.95)	F (1.01)		583	7.1	Yes
		C (0.77)	C (0.77)		530	7.7	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-37 (Revised)
Summary of Intersection Traffic Analysis Results - Alternative 11
Year 2010

Intersection	W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
	LOS	V/C	LOS	V/C	Amount	Percent *	
<i>Irvington</i>							
1. Fremont Bl/Bay St/ Washington Bl	A.M.	F (1.03)	F (1.03)		58	1.6	Yes
	P.M.	F (1.05)	F (1.06)		53	1.2	
2. Driscoll Rd-Osgood Rd/ Washington Bl	A	(0.60)	B (0.69)		207	5.7	No
	C	(0.78)	D (0.81)		188	4.6	
3. I-680 SB Ramps/ Washington Bl		E/D	E/D		58	2.1	Yes
		F/F	F/F		53	1.8	
4. I-680 NB Ramps-Luzon/ Washington Bl	C	(0.75)	C (0.77)		56	2.2	Yes
	E	(0.97)	E (0.98)		51	1.8	
5. Osgood Rd/Blacow Rd	A	(0.45)	A (0.60)		324	13.3	No
	A	(0.54)	A (0.59)		295	12.3	
6. Osgood Rd/BART St Irvington		--	A (0.47)		334	22.4	No
		--	A (0.54)		315	17.2	
<i>South Warm Springs</i>							
1. Milmont Dr/ Kato Rd	C	(0.71)	D (0.83)		372	14.4	No
	A	(0.59)	D (0.83)		340	14.6	
2. Warm Springs Bl/ Kato Rd/Scott Creek Rd	E	(0.91)	F (1.02)		568	10.3	Yes
	C	(0.72)	C (0.79)		519	12.3	
3. I-680 SB Ramps/ Scott Creek Rd	A	(0.35)	A (0.45)		461	18.4	No
	A	(0.45)	A (0.47)		420	14.4	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Table 3.12-37 - continued (Revised)

**Summary of Intersection Traffic Analysis Results - Alternative 11
Year 2010**

Intersection		W/out Proposed Project		With Proposed Project		BART-Generated Traffic		Significant Impact
		LOS	V/C	LOS	V/C	Amount	Percent*	
South Warm Springs (cont.)								
4.	I-680 NB Ramps/ Scott Creek Rd	A.M.	A/A	A/A		368	19.9	No
		P.M.	A/A	A/A		208	12.5	
5.	N. Milpitas Bl/ Dixon Landing Rd	F (1.01)		F (1.01)		98	2.7	Yes
		D (0.88)		D (0.90)		89	2.6	
6.	Milmont Dr/ Dixon Landing Rd	F (1.02)		F (1.24)		363	10.0	Yes
		E (0.97)		F (1.07)		331	9.1	
7.	I-880 NB Ramps-California Cr/Dixon Landing Rd	E (0.96)		F (1.12)		363	6.6	Yes
		C (0.78)		D (0.81)		331	7.6	
8.	I-880 SB Ramps/ Dixon Landing Rd	A (0.60)		B (0.61)		107	2.9	No
		A (0.49)		A (0.50)		205	5.1	
9.	Warm Springs Rd/BART St S.W.S. North	--		A (0.52)		56	2.0	No
		--		A (0.53)		51	2.1	
10.	Warm Springs Rd/ BART St S.W.S. SE	--		C (0.79)		485	15.0	No
		--		C (0.80)		453	16.1	
11.	Kato Rd/BART St S.W.S. South	--		D (0.81)		485	22.9	No
		--		A (0.47)		443	29.0	

Notes: For each intersection, LOS and V/C ratio is shown as AM peak hour on top of PM peak hour. Unsignalized one- and two-way stop controlled intersections are shown as the worst movement from the minor street followed by the worst movement from the major street (e.g. D/A). Unsignalized all-way stop controlled intersections are shown as either better than LOS C (<C) or worse than LOS C (>C).

Level of impact assumes implementation of improvements planned by City of Fremont or Milpitas.

*BART generated traffic as a percent of total volume at intersection.

Source: DKS Associates, 1991.

Page 3.12-62, Table 3.12-12:

Remove line 3 under South Warm Springs, regarding I-680 Southbound Ramps/Scott Creek Road.

The mitigation measure shown would not be needed in 1998, since the unsignalized level of service of E is not considered a significant impact.

Page 3.12-62, Table 3.12-12:

There are several corrections to this table. The corrected table is provided. The following changes have been made:

- Driscoll Road-Osgood Road/Washington Boulevard: The A.M. peak LOS under the "effect of mitigation" column should read "B (0.70)." The improved lane configuration should be changed to remove references to dedicated right turn lanes, and to change the southbound through movement to three through lanes.
- Fremont Boulevard/I-880 northbound ramps: The effect with the proposed project is shown as a signalized intersection. This intersection is currently unsignalized. Also, the effect of the mitigation was typed incorrectly, and the comments should indicate that this improvement involves interchange reconstruction.

Page 3.12-63, Table 3.12-13:

There are several corrections to this table. The corrected table is provided. The following changes have been made:

- Driscoll Rd.-Osgood Road/Washington Boulevard: The eastbound approach should not show a dedicated right turn lane. It should instead have three through lanes.
- I-680 NB Ramps-Luzon/Washington Boulevard: Reflect that the City of Fremont has no improvement plans. Show additional needed improvements at this intersection to mitigate.
- I-680 NB Ramps/Durham Road: Change the City of Fremont's planned improvement in accord with City's comment letter. These improvements are adequate, so no further mitigation would be needed.
- Fremont Boulevard/I-880 northbound ramps: The table shows that two southbound left turn lanes are planned. The correct planned improvement

Table 3.12-12 (Revised)

Summary of Intersection Impacts, Mitigation Measures & Residual Impacts -- Proposed Project
Year 1998

		Effect with Proposed Project	Effect of Mitigation	Residual Significant Impact	----- Number of Lanes -----														Com- ments
					Northbound			Southbound			Eastbound			Westbound					
					L	T	R	L	T	R	L	T	R	L	T	R			
Irvington																			
2.	Driscoll Rd-Osgood Washington Bl	AM F (1.39) PM F (1.09)	C (0.74) E (0.95) ¹	Yes	Existing Improved	1 1	1 3	0 1	1 1	1 2	1 1	1 1	1 2	0 1*	1 1	2 2	1 1		
Warm Springs																			
4.	S. Grimmer Bl/Osgood Rd-Warm Springs Bl	>C >C	A (0.56) A (0.52)	No		1 1	1 2	0 1	1 1	1 2	1 1	1 1	1 2	1 1*	1 1	2 2	1 1	a,b	
6.	Fremont Bl/ I-880 NB Ramps	E (0.93) D (0.81)	A (0.32) A (0.31)	No		0 0	1 1	0 0	0 0	1 1	1* 1*	0 0	0 0	0 0	1 1	0 0	1* 1*	a	
7.	Fremont Blvd/Cushing Rd-I-880 SB Ramps	>C >C	D (0.83) A (0.36)	No		0 2	1 3	1 1	0 0	1 3	1 1	1 2	1 2	0 1	1 1	1 1	1 1	a,b	
8.	Mohave Dr/ Mission Bl	D (0.84) F (1.30)	C (0.79) ² E (0.94)	Yes		1 1	1 1	1 1	1 1	1 1	1 1	1 4	2 1	1 1	1 2	3 4	0 0	b	
11.	Warm Springs Bl/ Mission Bl	E (0.97) F (1.02)	D (0.87) ² E (0.98)	Yes		2 2	2 3	1 1	2 2	2 3	1 1	2 2	3 4	1 1	2 2	3 4	1 1	b	
South Warm Springs																			
1.	Milmont Dr/ Kato Rd	F/E F/B	C (0.77) B (0.65)	No		0 1	1 2	0 0	0 1	1 2**	0 0	0 1	2 1	0 1	0 1	2 1	0 1	a,b	
2.	Warm Springs Bl/ Kato Rd-Scott Creek Rd	C (0.77) D (0.87)	C (0.73) D (0.84)	No		2 2	3 3	0 0	2 2	3 3	0 0	1 1	3 3	0 0	1 1	2 2**	1 1	c,d	
3.	I-680 SB Ramps/ Scott Creek Road	E/A D/A	A (0.49) A (0.28)	No		0 0	0 0	0 0	1 1	0 0	1* 1*	0 0	1 2	1* 1*	1 1	2 2	0 0	a,b	
5.	N. Milpitas Bl/ Dixon Landing Rd	E (0.94) D (0.88)	D (0.81) C (0.77)	No		1 2	2 2	1* 0	1 1	2 2	0 1	1 1	2 2	0 0	1 1	2 2	0 0		
6.	Milmont Drive/ Dixon Landing Rd	F (1.28) B (0.69)	C (0.76) A (0.44)	No		0 1	0 1	0 0	1 1	0 1	1* 1*	1 1	2 2	0 1	0 1	2 2	0 1		
7.	I-880 NB Ramps-California Cr./Dixon Landing Rd	F (1.32) E (0.94)	B (0.70) A (0.56)	No		1 1	1 1	0* 1*	1 1	1 1	1 1	1 1	1 2	1* 1*	2 2	1 2	1 1		

Note: For each intersection, LOS and V/C ratio is given for AM peak hour over PM peak hour. Lane configurations are existing geometrics over improved geometrics.

¹ Construction of Blacow undercrossing would reduce impact to insignificant.

² Construction of I-880 - I-680 connector would reduce level of impact.

Guide to comments:

^a Mitigation includes installation of traffic signal. ^b Mitigation implements City of Fremont or Milpitas plans. ^c Mitigation is more than planned by City of Fremont or Milpitas.

^d Existing reflects implementation of improvements planned for 1991.

* = Free right turn where exclusive turn lane has an exclusive receiving lane, allowing free flow traffic without yielding.

** = One through lane is a shared right turn lane.

Source: DKS Associates, 1991

Table 3.12-13 (Revised)

Summary of Intersection Mitigation Measures & Residual Impacts -- Proposed Project

Year 2010 - Cumulative

		Impact with Proposed Project	Effect of Mitigation	Residual Significant Impact	Number of Lanes												Com- ments	
						Northbound			Southbound			Eastbound			Westbound			
						L	T	R	L	T	R	L	T	R	L	T	R	
Irvington																		
1.	Union/Fremont/ Bay - Washington	AM F (1.03) PM F (1.05)	-- ⁴	Yes	Exist. Plnnd. Addtl.	0	2	1*	0	1	0	0	1	1	0	2	0	
						None	Feasible											
						None	Feasible											
						1	1	0	1	1	1	1	1	0	1	2	1	b
2.	Driscoll Rd-Osgood Washington Bl	B (0.66) C (0.80)	NA	No		1	3	1	1	3	0	1	3	0	1	2	1	
						None	Needed											
3.	I-680/SB Ramps/ Washington Bl	E/D E/F	NA	Yes		0	0	0	1	0	1*	1	2	0	0	2	1*	c
						None	Feasible											
						None	Feasible											
4.	I-680 NB Ramps-LUzon/ Washington Bl	C (0.76) E (0.98)	C (0.76) C (0.74)	No		1	1	1	1	1	1	1	1	1	1	2	1	c
						1	1	1	1	1	1	1	1	1	1	2	1	
						1	1	1	2	1	1	2	1	1	1	2	1	
5.	Osgood Rd/Blacow Rd	A (0.55) A (0.58)	NA	No		0	2	0	0	2	0	0	0	0*	0	0	0	b
						1	2	0	1	2	1	0	1	1*	0	1	0	
						None	Needed											
Warm Springs																		
1.	Osgood Rd/ Durham Rd	E (0.97) E (0.94)	C (0.76) C (0.75)	No		1	1	1	1	2	1	1	2	1	1	2	0	c
						2	3	1	1	3	1	1	3	1	1	3	1	
						2	3	1	2	3	1	1	3	1	1	3	1	
2.	I-680 SB Ramps/ Durham Rd	D (0.88) A (0.51)	NA	Yes		2	0	1	0	0	0	0	2	1*	1	2	0	d
						2	0	1*	0	0	0	0	3	1*	1	3	0	
						None	Needed											
3.	I-680 NB Ramps/ Durham Rd	D (0.80) B (0.70)	NA	No		2	1	1	1	1**	1	1	2	1*	1	2	0	b
						2	1	1	1	1	1	2	2	1*	1	2	1	
4.	S. Grimer Bl/Osgood Rd - Warm Springs Bl	B (0.67) A (0.05)	NA	No		1	1	0	1	1	1	1	1	1	1	2	1	b
						1	2	1	1	2	1	1	2	1	1	2	1	
						None	Needed											
6.	Fremont Bl/ I-880 NB Ramps	C (0.71) A (0.42)	NA	No		0	1	0*	0	1	1*	0	0	0	1	0	1*	b
						0	3	1*	0	3	1	0	0	0	2	2	1*	
						None	Needed											
7.	Fremont Bl/Cushing Rd - I-880 SB Ramps	C (0.74) C (0.77)	NA	No		0	1	1	0	1	1	1	1	0***	1	1	1	b
						2	3	1	0	3	1	2	2	1***	1	1	1	
						None	Needed											

Note: For each intersection, LOS and V/C ratio is given for AM peak hour over PM peak hour. Lane configurations are existing geometrics over planned geometrics (by Fremont or Milpitas) over additional improvements.

¹ Impact with proposed project assumes implementation of City of Fremont or Milpitas improvement plans. See Appendix D for details of mitigation measures at intersections for the proposed project and all alternatives.

Guide to comments:

^aMitigation includes installation of traffic signal. ^b Mitigation implements City of Fremont or Milpitas plans. ^c Mitigation is more than planned by City of Fremont or Milpitas.

^dImpact slightly exceeds City of Fremont goal of 0.85 V/C ratio; additional mitigation not recommended. ^eAdditional mitigation not feasible.

* = Free right turn where exclusive turn lane has an exclusive receiving lane, allowing free flow traffic without yielding; ** = One through lane is a shared left turn lane; *** Right turn movement would have overlap signal phase with northbound turn lane. U-turns should be prohibited on the northbound approach.

Source: DKS Associates, 1991

Table 3.12-13 - continued (Revised)

Summary of Intersection Mitigation Measures & Residual Impacts -- Proposed Project
Year 2010 - Cumulative

		Impact with Proposed Project		Effect of Mitigation	Residual Significant Impact		Northbound			Southbound			Number of Lanes Eastbound			Westbound			Com- ments
							L	T	R	L	T	R	L	T	R	L	T	R	
<i>Warm Springs continued</i>																			
8.	Mohave Dr/ Mission Bl	AM D (0.90) PM E (0.91)		NA	Yes	Exist. Plnnd. Addtl.	1	1	1	1	1	1	1	2	1	1	3	0	b
							1	1	1	1	1	1	1	4	1	2	4	0	
							None Feasible												
11.	Warm Springs Bl/ Mission Bl	E (0.96) D (0.88)		NA	Yes		2	2	1	2	2	1	2	3	1	2	3	1	c
						2	3	1	2	3	1	2	4	1	2	4	1		
						None Feasible													
<i>South Warm Springs</i>																			
1.	Milmont Dr/ Kato Rd	D (0.82) C (0.79)		NA	No		0	1	0	0	1	0	0	2	0	0	2	0	b
						1	2	0	1	2	0	1	1	1	1	1	1		
						None Required													
2.	Warm Springs Bl/ Kato Rd - Scott Creek	E (0.94) C (0.80)		E (0.94) B (0.65)	Yes		1	2	0	1	2	0	1	1	1	1	2	1	c
						2	3	0	2	3	0	1	3	0	1	2	1		
						2	3	0	2	3	0	1	3	0	1	2**	1		
3.	I-680 SB Ramps/ Scott Creek Rd	A (0.37) A (0.45)		NA	No		0	0	0	1	0	1*	0	1	1	1	2	0	a
						0	0	0	1	0	1	0	2	1	1	2	0		
						None Required													
5.	N. Milpitas Bl/ Dixon Landing Rd	F (1.04) E (0.90)		D (0.31) D (0.83)	No		1	2	1*	1	2	0	1	2	0	1	2	0	c
						1	2	0	1	2	0	1	3	0	1	3	0		
						2	2	0	1	2	1	1	3	0	1	3	0		
6.	Milmont Drive/ Dixon Landing Rd	F (1.22) F (1.05)		C (0.77) A (0.60)	No		0	0	0	1	0	1	1	2	0	0	2	0	e
						1	1	0	1	1	0	1	3	0	1	3	0		
						1	1	0	1	1	1*	2	2	0	1	3	0		
7.	I-880 NB Ramps-California Cr./Dixon Landing Rd	F (1.12) C (0.78)		D (0.82) C (0.78)	No		1	1	1	1	1	1	1	1	1*	2	1	1	e
						1	1	1*	1	1	1	1	2	1*	2	2	1		
						1	1	1*	1	1	1	1	2	1*	2	2	1		
8.	I-880 SB Ramps/ Dixon Landing Rd	B (0.60) A (0.49)		NA	No		0	0	0	0	0	1*	0	1	0*	0	0	1*	b
						0	0	0	2	0	1	0	3	1*	0	3	1*		
						None Required													

Note: For each intersection, LOS and V/C ratio is given for AM peak hour over PM peak hour.

¹ Impact with proposed project assumes implementation of City of Fremont or Milpitas improvement plans. See Appendix D for details of mitigation measures at intersections for the proposed project and all alternatives.

Guide to comments:

^aMitigation includes installation of traffic signal. ^b Mitigation implements City of Fremont or Milpitas plans. ^c Mitigation is more than planned by City of Fremont or Milpitas.

^dImpact slightly exceeds City of Fremont goal of 0.85 V/C ratio; additional mitigation not recommended. ^eAdditional mitigation not feasible.

* = Free right turn where exclusive turn lane has an exclusive receiving lane, allowing free flow traffic without yielding. ** = One through lane is a shared right turn lane.

Source: DKS Associates, July 1991.

has no left turn lanes, since left turning traffic will be accommodated by the new loop on-ramp. This change does not affect the LOS analysis, since there was no traffic assigned to the movement in question.

- Fremont Boulevard/Cushing Road-I-880 SB Ramps: Reflect the City of Fremont's comment that overlap phasing on the eastbound right turn movement would create acceptable levels of service.

Page 3.12-65, First Bullet, First Line:

Replace the following:

At Driscoll Road-Osgood Road/Washington Boulevard, implement the City of Fremont's planned improvements which include adding two through lanes and one right-turn lane on the northbound approach, one through lane on the southbound approach, one through-lane and a free-flow right-turn lane on the eastbound approach.

With the following:

- At Driscoll Road-Osgood Road/Washington Boulevard, implement the City of Fremont's planned improvements which include adding two thru-lanes on the northbound approach, one thru-lane on the southbound approach, one thru-lane and a free flow right turn lane on the eastbound approach.

Page 3.12-65, Fifth Bullet:

Add the following sentence:

In the Traffic Impact Fee Study, this intersection was identified as an existing deficiency to be improved by the City.

Page 3.12-65, Sixth Bullet:

Add the following sentence:

In the Traffic Impact Fee Study, this intersection was identified as an existing deficiency to be improved by the City.

Page 3.12-66, First Bullet:

Add a reference to improvements on the eastbound and westbound approaches.

Replace the following:

At Milmont Drive/Kato Road, implement the City's planned improvements which are to signalize the intersection, and widen the northbound and southbound approaches to two through-lanes, and one left-turn lane.

With the following:

- At Milmont Drive/Kato Road, implement the City's planned improvements which are to signalize the intersection, widen the northbound and southbound approaches to two thru-lanes, and one left turn lane, and with the eastbound and westbound approaches to have one left, thru and right lane.

Page 3.12-66, Third bullet:

Regarding the I-680 Southbound Ramps/Scott Creek Road intersection, remove the following:

- At I-680 Southbound Ramps/Scott Creek Road, the improvements planned by the City of Fremont involve signalization. There would be no residual impact after the mitigation.

Page 3.12-67, Third Bullet:

Remove reference to improvements at this intersection being planned by the City of Fremont.

Replace the following:

- At I-680 Northbound Ramps-Luzon/Washington Boulevard, implementation of the City's planned improvements would result in an acceptable LOS with no residual impact. The improvement involves the addition of a second left-turn lane on the southbound and eastbound approaches.

With the following:

- At I-680 Northbound Ramps-Luzon/Washington Boulevard, add a second left turn lane on the southbound and eastbound approaches. These improvements would be needed with or without the proposed project. There would be no residual impact.

Page 3.12-67, Last Bullet:

Replace the following:

- At I-680 Northbound Ramps/Durham Road, the City's planned improvement (making the eastbound-to-southbound right-turn movement free flowing) would not be adequate. Providing a second

left-turn lane on the eastbound approach would result in no residual impact.

With the following:

- At I-680 Northbound Ramps/Durham Road, the City's planned improvements are adequate. These improvements involve restriping the center lane as a through-left lane on the southbound approach, adding a second left turn lane on the eastbound approach, and adding a right turn lane on the westbound approach.

Page 3.12-79, First Paragraph:

Replace the following:

The difference in alignment between Alternatives 6, 7 and 8 is expected to have no effect on the level of transportation impacts. They are therefore discussed together.

With the following:

The difference in alignment between Alternatives 6, 7 and 8 is expected to have little effect on the level of transportation impacts. They are therefore discussed together. However, Alternative 8, which would be an aerial alignment down the street median of Osgood Road and Warm Springs Boulevard, would constrain the ability to provide turn lanes due to the 70 - 80 foot spans between columns.

Page 3.12-87, First Paragraph:

Add this paragraph:

Alternative 8 would require additional mitigation measures to accommodate the elevated span down the median of Osgood Road and Warm Springs Boulevard. This would involve lengthening and spacing the spans such that adequate room is given to accommodate turn movements at intersections.

Page 5-2:

Add the following paragraph between the sixth and seventh paragraphs:

The intersections of I-680/SB Ramps/Washington Boulevard, I-680 SB Ramps/Durham Road, Mohave Drive/Mission Boulevard, and Warm Springs Boulevard/Kato Road - Scott Creek would operate at V/C ratios greater than 0.85 after mitigation and are significant unavoidable adverse impacts.

Page 6-2, Second Paragraph:

Replace the following paragraph:

- **Visual Quality.** Additional development will create an environment that is more built up which would allow the BART aerial structures less likely to contrast with or dominate their surroundings. Development and the maturation of plantings around Central Park will contribute to a visually complex environment capable of visually absorbing the BART structures.

With the following:

- **Visual Quality.** Now-vacant and underutilized areas along the project alignment are likely to be developed in the future. In general, the result of this additional development will create an environment that is more built up and, as a consequence, the BART aerial structures are less likely to contrast with or dominate their surroundings. Even in Central Park, new civic buildings proposed at the park's north end would create a setting in which the BART aerial structure would be less obtrusive. In other areas of the park new and maturing landscaping will create a more visually complex environment that would be more capable of absorbing the proposed BART structures.

Page 9-12, End of Page:

Add new section:

9.2.4 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The California Environmental Quality Act Guidelines (Section 15126(d)(2)) state that an "environmentally superior alternative," in consideration of avoidance of adverse impacts of the project, i.e., the proposed BART extension, should be discussed in the EIR. The environmentally superior alternative in terms of avoidance of significant adverse impacts would be the No Project alternative where there would be no adverse effects because there would be no construction or operation of a BART extension. However, the No Project alternative would also not have any of the beneficial effects associated with implementation of the BART alternatives.

In addition, the CEQA Guidelines state that if the No Project alternative is found to be the environmentally superior alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. Using this guideline, these identifications can be made. For "local" impacts, i.e., those that occur close to the project, Alternative 3, the TSM

alternative, would create fewer adverse impacts on vegetation, wildlife, noise, displacement, and visual quality. On a regional basis, the BART build alternatives are generally superior to the No Project: regional miles traveled would be reduced, air quality would improve, energy usage would decline, and transit service levels would be improved. Overall, the level of transit service provided to residents of the corridor would be greater with the BART build alternatives. Of the build alternatives, Alternative 9, a 5.4-mile extension with one station at Warm Springs, would have the least adverse effects because of the shorter length and the deletion of the adverse effects of the Irvington Station. Of the extensions to the county line (7.8 miles), Alternative 10, which has only one station at South Warm Springs, would avoid the adverse impacts associated with the stations at Irvington and Warm Springs. However it should be noted that these "environmentally superior alternatives" do not provide as high a level of transit service.

Of the Design Options for Central Park, Design Option 2S (subway around Lake Elizabeth, avoiding the lake) would be the environmentally superior design option as it would avoid the remnant of the riparian forest and would have less impacts to the recreational values of the park.

Appendix D, Page D-2:

Modify table D-2 to eliminate references to dedicated right turn lanes for the northbound and southbound approaches. Show the southbound approach as having three through lanes.

Revised table included.

5.2 NEW MITIGATIONS

The following items represent new mitigations, new coordination efforts or mitigations as a result of comments during the public review period and responses to those comments.

Construction Storage Yard

Contractor's site plans will be reviewed by BART and the City of Fremont to control the locations and durations of storage.

City of Fremont Review Opportunities

Although BART is not required to obtain building permits from local municipalities, an opportunity for technical review of the contract plans and specifications will be provided to the City of Fremont.

The Fremont Fire Department will be afforded review opportunities as requested. BART will work with the Fremont Fire Department on the proposed Extension in the same manner as on the existing BART Fremont Station.

Table D-2 (Revised)
Mitigation Measures
Irvington - Intersection: Driscoll-Osgood/Washington (IR-2)

		----- Number of Lanes -----																	
		BART Added		---- V/C ----		--- LOS ---		-- Osgood-Driscoll --				-- Washington --							
Scenario		Traffic		Unim- Im-		Unim- Im-		Northbound		Southbound		Eastbound		Westbound					
		No.		%		proved		proved		proved		R L T		R L T		R L T			
Existing ¹	(A.M.)	--	--	0.83	--	D	--	1	1	0	1	1	1	1	1	0	1	2	1
	(P.M.)	--	--	0.78	--	C	--												
1998 w/o Extension ²		--	--	1.23	--	F	--	1	1	0	1	1	1	1	1	0	1	2	1
		--	--	0.95	--	E	--												
1998 w/Proposed Project		308	8.7	1.39	0.74	F	C	1	3	0	1	3	0	1	2	1*	1	2	1
		282	7.4	1.04	0.95	F	E												
1998 w/Alternatives 4 & 5		305	8.6	1.39	0.73	F	C	Same as for Proposed Project -----											
		277	7.3	1.04	0.95	F	E												
1998 w/Alternative 11		452	12.2	1.46	0.78	F	C	Same as for Proposed Project -----											
		412	10.5	1.09	1.01	F	F												
2010 w/o Extension ³		--	--	0.60	--	A	--	1	3	0	1	3	0	1	2	1*	1	2	1
		--	--	0.78	--	C	--												
2010 w/Proposed Project		142	4.0	0.66	--	B	--	No Additional Migitation Required -----											
		130	3.2	0.80	--	C	--												
2010 w/Alternatives 4 & 5		136	3.8	0.66	--	B	--	No Additional Migitation Required -----											
		124	3.0	0.80	--	C	--												
2010 w/Alternative 11		207	5.7	0.69	--	B	--	No Additional Migitation Required -----											
		188	4.6	0.81	--	D	--												

* = Free right turn, where an exclusive right turn lane has an exclusive receiving lane, allowing free flow traffic without yielding.

¹ Existing conditions are based on counts from 1988-1990.

² Intersection geometrics for 1998 are assumed to be the same as existing.

³ Intersection geometrics for 2010 are assumed to be consistent with City of Fremont planned improvements.

It is BART's practice and intent to follow local requirements (such as the City of Fremont Grading, Excavation and Sedimentation control ordinance) as much as possible during design and to supply design review opportunities to the City at various stages of the development of the designs for comment by the City staff.

Detailed station design should be undertaken once the BART Board adopts a project and the City of Fremont will be given design review and comment opportunities at various stages of the design process.

Construction traffic control criteria will be developed in consultation with the City of Fremont.

Drainage Culverts

Improvements to the culverts would be made by means of a cooperative drainage program negotiated between BART, the Alameda County Flood Control and Water Conservation District (ACFCWCD), and the City of Fremont Public Works Department.

AC Transit Coordination

BART will work with AC Transit to devise an appropriate local bus system in Fremont that coordinates well with the chosen BART station arrangement.

BART, working with AC Transit, will use design techniques to enhance design of the stations and assist in promoting transit access to the stations.

Local Circulation Problems

The project eliminates Railroad Avenue to the north of Washington Boulevard and the Irvington Station severing the connection between High Street and Main Street. It is proposed to mitigate this impact by constructing a street connection between High Street and Main Street adjacent to the SPTCo tracks.

Alternative 8 - Turn Lanes on Osgood/Warm Springs

Alternative 8 would require additional mitigation measures to accommodate the elevated span down the median of Osgood Road and Warm Springs Boulevard. This mitigation would involve lengthening the spacing the spans such that adequate room is given to accommodate turn movements at intersections.

APPENDIX A
Letters of Comment on the Draft EIR



ROBERT I. REMEN, Executive Director

CALIFORNIA TRANSPORTATION COMMISSION

1120 N STREET, P.O. BOX 842873
SACRAMENTO 94273-0001
FAX (916) 445-5071
FAX (916) 445-5256
(916) 445-1890

August 28, 1991

Mr. Frank Wilson
BART
P.O. Box 12688
Oakland, Ca 94604-2688

Post-It™ brand fax transmittal memo 7671

of pages 1

To	Joan Kugler	From	R. Chung
Co.		Co.	
Dept.		Phone #	
Fax #	(415) 287-4834	Fax #	

RE: COMMISSION COMMENTS ON THE WARM SPRINGS EXTENSION DRAFT ENVIRONMENTAL
IMPACT REPORT

The BART Warm Springs Extension Draft Environmental Impact Report (EIR) was reviewed by the California Transportation Commission at its August meeting. As a responsible agency, the Commission has made two comments on the draft EIR:

- o The draft EIR should consider the full range of available technologies, including a light rail alternative. Cost-effectiveness for the Warm Springs Extension is particularly important in light of the second comment below. Consideration may be more justifiable for a light rail alternative, in addition to consideration of the heavy rail alternative, given that the proposed Warm Springs Extension will connect directly with a light rail transit system in Santa Clara County, thus resulting in potential savings by sharing a common track, equipment and other infrastructure with that light rail system. OA-1
- o MTC's New Rail Starts program contains a 5.4 mile two-station project, not the 7.8 mile three-station project identified in the draft EIR. How does BART propose to fund the additional 2.4 miles and the extra station? GEN-1

If you have questions about this matter, please call Robert Chung, Commission Deputy Director for Transit, at (916) 445-1690.

Sincerely,

WILLIAM E. LEONARD
Chairman

cc: Commissioners
Robert I. Remen, Executive Director
Robert Chung, Deputy Director for Transit
Joan Kugler, BART Warm Springs Extension Project Manager
Joan Van Horn, BART

197:ARC3

A-1

TOTAL P.01

MTC
METROPOLITAN
TRANSPORTATION
COMMISSION

August 23, 1991

Alameda County
EDWARD R. CAMPBELL
DAVID S. KARP

Contra Costa County
ROBERT J. SCHRODER
STEVE WEIR
Chair

Marin County
KAREN KUNZE

Napa County
FRED NEGRI

San Francisco-
City and County
HARRY G. BRITT
RUBIN GLICKMAN

San Mateo County
TOM NOLAN
JANE BAKER
Vice-Chair

Santa Clara County
ROD DIRIDON
JAMES T. BEALL, JR.

Solano County
JAMES SPERING

Sonoma County
PETER C. FOPPIANO

Association of
Bay Area Governments
DIANNE MCKENNA

S.F. Bay Conservation
and Development
Commission
ANGELO J. SIRACUSA

State Business,
Transportation and
Housing Agency
PRESTON W. KELLEY

U.S. Department
of Transportation
WILLIAM P. DUPLISSEA

U.S. Department
of Housing
and Urban Development
GORDON H. MCKAY

Executive Director
LAWRENCE D. DAHMS

Deputy Executive Director
WILLIAM F. HEIN

Ms. Joan Kugler
BART
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Thank you for the opportunity to review the BART Warm Springs Extension Project Draft Environmental Impact Report (DEIR). The DEIR provides a comprehensive analysis of a number of alternatives and design options for this extension.

As noted in the DEIR, MTC has an adopted rail extension program and financial plan (MTC Resolution No. 1876), which includes the Warm Springs Extension. This program and financial plan were updated in February 1991 based on information submitted by project sponsors including BART. MTC's update was based on BART's submitted project definition and cost for a two station (Irvington and Warm Springs), 5.4 mile extension. The proposed three station, 7.8 mile alternative in the DEIR is inconsistent with MTC Resolution No. 1876. A three station extension would require new revenue sources beyond those currently assumed in the financial plan for Resolution No. 1876 and would require revisions to Resolution No. 1876.

As a related comment, it is unclear from the DEIR whether cost figures are in 1991 dollars (as stated in Table S-1) or in escalated dollars (as stated in Table 2-5 on page 2-49). If they are escalated figures, we ask that BART revise cost figures to 1991 dollars in the final EIR or include assumptions on annual inflation projections and annual expenditures.

We hope these comments will assist you in finalizing the EIR for the Warm Springs Extension Project.

Sincerely,



Chris Brittle
Manager, Planning

RECEIVED

AUG 28 1991

BART
EXTENSION PLANNING

CB
8385p/93

August 26, 1991

Ms. Joan Kugler
Warm Spring Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

RE: Comments on DEIR for the BART Warm Springs Extension
(S.C.H. #89030065)

Thank you for the opportunity to respond to the Draft Environmental Impact Report for the BART Warm Springs Extension project. AC Transit has reviewed this document and has the following comments.

In the transit discussion in Section 3.12.3 - Impacts of Proposed Project - on page 3.12-47, it is estimated that 40 persons would use AC Transit to connect with BART At Warm Springs on an average daily basis in the year 2010. This number appears to be quite low, considering the number of businesses in the Warm Springs area. The previous paragraph points out the the AC Transit Comprehensive Service Plan (CSP) shows one bus route passing near the proposed Warm Springs Station (Line 31). It is also mentioned in this paragraph that if a BART station were constructed in Warm Springs, AC Transit would modify bus service to connect to that station. Apparently the analysis leading to the 40 daily AC Transit passengers did not take this bus service modification into account. A revised estimate of daily AC Transit bus passengers should be made, with the assumption that AC Transit will modify its bus service to serve the Warm Springs Station.

If a Warm Springs station is constructed, AC Transit is proposing to make the following CSP bus route changes:

Line 34 would be extended to the station.

Lines 31 and 22 would deviate from the current proposed route to serve the station.

Line 32X that is currently proposed to operate as an express to the Fremont Station would be revised to operate as a feeder route serving both the Warm Springs and the South Warm Springs Station (if built).

Lines 24 and 28 might be revised to also serve the station.

T-1

Ms. Joan Kugler
August 26, 1991
Page Two

T-2 | It is important to note that employment in the area served by the Warm Springs extension is quite large and continues to grow. Virtually no work site is within walking distance of any existing or proposed BART station. Therefore, reverse commuters relying on BART must use a transit link to reach their place of employment.

T-3 | In all of the transit discussions in Section 3.12.9 - Impacts of Alternatives 6, 7, and 8 - on page 3.12-84; Section 3.12.10 - Impacts of Alternative 9 - on page 3.12-90; Section 3.12.11 - Impacts of Alternative 10 - on page 3.12-93; and, to a lesser extent, Section 3.12.12 - Impacts of Alternatives 11 - on page 3.12-98, it is stated that the impacts on transit service are similar to the Proposed Project. Since AC Transit has designed its CSP around the creation of a major Timed Transit Center, to be located at the Irvington BART Station, and would modify the CSP routes to serve the Warm Springs and South Warm Springs Stations, the choice of Alternative would have a major impact on bus transit in this area. This is especially significant since a suggested transit mitigation measure suggested is for AC Transit to modify its routes to improve service subsequent to project approval.

P-1 | AC Transit strongly supports the Proposed Alternative and those alternatives that have a station at Irvington. This site is a natural location for a major bus and rail transit hub, based upon street layout. The combination of a BART extension with a station at Irvington and a bus route network designed around this station site, will provide an efficient multi-modal transit system designed to attract new riders to both BART and AC Transit, thereby reducing automobile traffic in the Irvington area and on Bay Area freeways.

T-4 | Concerning the conceptual station plans that are mentioned in Section 3.12 - Transportation - bus transit centers should be located as close to the entrances to stations as possible with an exclusive lane for bus access and egress. Kiss-ride lanes should be located between the transit centers and the surface parking lots. This arrangement will reduce traffic congestion and conflicts, as buses will not have to compete with taxis, kiss-ride vehicles, and vehicles entering the parking lot. This would greatly improve the overall circulation at the stations. Such exclusive bus access lanes have proved to be effective at existing BART stations such as Concord and El Cerrito del Norte. In addition, the convenience of minimum walking distance between bus/BART transfers will encourage transit usage.

T-5 | The discussion of traffic cumulative impacts notes that with the Proposed Project there will be a degradation of Levels of Service for several intersections. In particular, it is noted that the Driscoll Road - Osgood Road/Washington Boulevard intersection and the Mohave Drive/Mission Boulevard intersection will go to LOS F. Nowhere in the DEIR is there any discussion how the increased traffic congestion will affect AC Transit bus service reliability or travel time, and thus AC Transit costs or ridership. The DEIR claims that there would be no significant impacts on transit. LOS F at these intersections will definitely impact AC Transit.

Ms. Joan Kugler
August 26, 1991
Page Three


In addition to these specific comments, we also have some general comments concerning the effects of free parking at BART stations.

The subsidized cost of free parking spaces at BART stations should be considered. If parking fees were charged, there could be additional incentives to traveling to and from the stations in ways other than driving. These incentives could include increased frequency of bus service connecting to the stations, reduced cost or free transfers between bus and BART, expanded transit information and marketing, and additional free bicycle lockers. Improved, more frequent bus service would attract additional bus riders and reduce the size of the proposed parking lots. This will also have a beneficial effect on air quality. If people drive to BART stations as part of their commute, they will have their cars available for other high pollution generating short trips while on their way to or from the BART stations. If they utilize feeder bus service, the negative effects on air quality in the vicinity of the stations will be reduced. In addition, auto congestion in the vicinity of BART stations would also be greatly reduced.

T-6

We hope that the concerns raised in this letter will be addressed in the Final Environmental Impact Report. If there are any questions regarding this letter, please feel free to contact me at (415) 891-4845.

Yours truly,



Ronald J. Kilcoyne
Manager of Research
and Planning

RJK:PST:sc

cc: Board of Directors
Sharon Banks
Kenneth Stanley
Eric Harris
Peter Tannen

Ref: wrmapgs

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814

RECEIVED



Aug 26, 1991

AUG 27 1991

JOAN KUGLER
BAY AREA RAPID TRANSIT DISTRICT (BART)
800 MADISON STREET
OAKLAND, CA 94607BART
EXTENSION PLANNINGSubject: WARM SPRINGS EXTENSION
SCH # 89030065

Dear JOAN KUGLER:

The State Clearinghouse has submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is now closed and the comments from the responding agency(ies) is(are) enclosed. On the enclosed Notice of Completion form you will note that the Clearinghouse has checked the agencies that have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the comment package is not in order, please notify the State Clearinghouse immediately. Remember to refer to the project's eight-digit State Clearinghouse number so that we may respond promptly.

Please note that Section 21104 of the California Public Resources Code required that:

"a responsible agency or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency."

Commenting agencies are also required by this section to support their comments with specific documentation. These comments are forwarded for your use in preparing your final EIR. Should you need more information or clarification, we recommend that you contact the commenting agency(ies).

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact Daralynn Cox at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in dark ink, appearing to read 'David C. Nunenkamp'.

David C. Nunenkamp
Deputy Director, Permit Assistance

Enclosures

cc: Resources Agency

A-6

Notice of Completion

Appendix F

See NOTE below

Mailto: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 89030065

Subject Title: BART Warm Springs Extension

Lead Agency: Bay Area Rapid Transit District

Contact Person: Joan Kugler

Street Address: 800 Madison Street - P.O. Box 12688

Phone: (415) 287-4724

City: Oakland, CA Zip: 94604-2688

County: Alameda

Project Location

County: Alameda City/Nearest Community: City of Fremont

Cross Street: See project description

Total Acres: Varies by alt

Assessor's Parcel No. DNA

Section: DNA

Twp. DNA

Range: DNA Base: DNA

Within 2 Miles: State Hwy #: 238, 84, I-880

Waterways: Lake Elizabeth

Airports: and I-680

Railways: SPT Co and UPRR Schools: Grimmer Elementary

Mission High School

Document Type

CEQA:

☐ NOP

☐ Early Cons

☐ Neg Dec

☒ Draft EIR

☐ Supplement/Subsequent

☐ EIR (Prior SCH No.)

☐ Other

NEPA:

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other:

☐ Joint Document

☐ Final Document

☐ Other

Local Action Type

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Rezone

☐ Prezone

☐ Use Permit

☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☒ Other Project

Adoption

Development Type

☐ Residential: Units

Sq. ft.

Acres

Employees

☐ Office

Sq. ft.

Acres

Employees

☐ Commercial: Sq. ft.

Sq. ft.

Acres

Employees

☐ Industrial: Sq. ft.

Sq. ft.

Acres

Employees

☐ Educational

☐ Recreational

☐ Water Facilities: Type

MGD

☒ Transportation: Type

Rapid Rail Transit

☐ Mining:

Mineral

☐ Power:

Type

Watts

☐ Waste Treatment Type

☐ Hazardous Waste: Type

☐ Other:

Project Issues Discussed in Document

☒ Aesthetic/Visual

☒ Agricultural Land

☒ Air Quality

☒ Archeological/Historical

☐ Coastal Zone

☒ Drainage/Absorption

☒ Economic/Job

☐ Fiscal

☒ Flood Plain/Flooding

☐ Forest Land/Fire Hazard

☒ Geologic/Seismic

☐ Minerals

☒ Noise

☒ Population/Housing Balance

☒ Public Services/Facilities

☒ Recreation/Parks

☒ Schools/Universities

☐ Septic Systems

☐ Sewer Capacity

☒ Soil Erosion/Compaction/Grading

☐ Solid Waste

☒ Toxic/Hazardous

☒ Traffic/Circulation

☒ Vegetation

☒ Water Quality

☒ Water Supply/Groundwater

☒ Wetland/Riparian

☒ Wildlife

☒ Growth Inducing

☒ Landuse

☒ Cumulative Effects

☐ Other

Present Land Use/Zoning/General Plan Use Southern Pacific and Union Pacific Railroads rights-of-way, Fremont Central Park, Industrial/Commercial Public Uses, Agricultural, Residential

Project Description The Proposed Project alignment would begin at the existing elevated Fremont BART Station and extend southeasterly through Fremont Central Park, crossing the eastern arm of Lake Elizabeth on an aerial structure. It would then run adjacent to the Southern Pacific Transportation Company and Union Pacific Railroad rights-of-way, and continue to the South Warm Springs area, ending near the Alameda/Santa Clara County line. The Proposed Project includes three stations: Irvington station south of Washington Boulevard in the Irvington District; Warm Springs Station south of Grimmer Road in the Warm Springs District, and South Warm Springs Station north of Kato Road in south Fremont. There are also four Central Park design options (both aerial and subway), options at Paseo Padre Parkway, Washington Boulevard, and Warren Avenue, and a horizontal UPRR relocation end option analyzed. The DEIR also evaluates eleven alternatives to the Proposed Project. Alternatives 1 through 3 are not "build" alternatives and do not include a BART Warm Springs Extension. Alternatives 4 through 11 include various configurations of a BART Warm Springs Extension.

CLEARINGHOUSE CONTACT: Ken Button
(916) 445-0613

STATE REVIEW BEGAN: 7-12-91

DEPT REV TO AGENCY: 8-19

AGENCY REV TO SCH: 8-23

SCH COMPLIANCE: 8-26

PLEASE NOTE SCH NUMBER ON ALL COMMENTS

PLEASE FORWARD LATE COMMENTS DIRECTLY TO THE LEAD AGENCY ONLY

QMD/APCD: 2 (Rev. 1001) 2,13,

CMT SNT

Resources

Fish & Game

Parks & Rec/OHP

BCDC

DWR

Caltrans 4

CMT SNT

Statewide Services

ARB

Reg. WQCB 12

Statewide Corrections

NAHC

PUC

San Francisco

A-7

DEPARTMENT OF TRANSPORTATION

BOX 7310
SAN FRANCISCO, CA 94120
(415) 923-4444



8/24E

August 19, 1991

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AUG 21 1991
STATE
CLEARINGHOUSE

ALA-880-R1.95
SCH# 89030065
ALA880247

Ms. Joan A. Kugler
Planning Project Manager
South and West Bay Projects
Extension Planning Department
212- 9th Street
P.O. Box 12688
Oakland, CA 94604-2688

**RE: BART WARM SPRINGS EXTENSION DRAFT
ENVIRONMENTAL IMPACT REPORT FOR A 7.8-MILE
EXTENSION OF THE EXISTING FREMONT LINE.**

Dear Ms. Kugler:

Thank you for including the Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. We would like the draft environmental document to include the following comments:

CU-1

a) Section G, concerning Cumulative Impacts should include the Interstate 680 to Interstate 880 cross connector project and how it relates to the Bart Warm Springs Extension Project.

PD-3

b) In reference to the footnote on page 2-6 regarding Caltrans constructing an underpass for Warren Avenue, it should be noted that Caltrans does have plans for a new interchange at Mission Boulevard and the Interstate 880 Interchange. Precise improvements at Warren Avenue as a result of these plans have not been determined. Therefore, future improvements may or may not include an underpass at Warren Avenue.

Kugler/ALA880247
August 19, 1991
Page 2

c) We continue to support a three station option which is consistent with Caltrans policy to reduce Vehicle Miles Traveled (VMT) on State Highways.

P-2

We look forward to reviewing the Final Draft EIR. We expect to receive a copy from the State Clearinghouse. If you have any questions regarding these comments, please feel free to contact Julian W. Carroll of my staff at (415) 904-9625.

Sincerely,

PRESTON W. KELLEY
District Director

by


GARY F. ADAMS

District CEQA Coordinator

cc: State Clearinghouse
Sally Germain, ABAG
Susan Pultz, MTC



City of
Fremont

39100 Liberty Street
P. O. Box 5006
Fremont, CA 94537

RECEIVED

AUG 26 1991

BART
EXTENSION PLANNING
William "Bill" Ball, Mayor

(415) 745 - 2704

August 23, 1991

Ms. Erlene DeMarcus, President
Board of Directors
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

ATTN: Joan Kugler, Warm Springs Extension Project

Dear Ms. DeMarcus:

This letter is submitted on behalf of the Fremont City Council. It represents the official position of the City of Fremont with respect to the Warm Springs Extension Project DEIR, dated July, 1991.

The City of Fremont continues to recognize the need to provide more transportation capacity in the heavily traveled corridor between Alameda County and Santa Clara County. The City Council supports BART's efforts to extend service to Warm Springs and sees the projects as an important first step toward extending service to Santa Clara County.

The citizens of the City of Fremont have a history of supporting important regional transportation improvements such as the Warm Springs Extension. In recent elections, Fremont voters supported Measure "B" and Propositions 108, 111, and 116, all of which provided financing for BART extensions. Indeed, Fremont's support for BART has been disproportionately greater than the benefit Fremont citizens have received.

Fremont is the second largest city in Alameda County and the third largest in the BART service area. Fremont citizens have paid taxes to BART accordingly. Yet, Fremont has only one BART station, and BART continues to argue that Fremont citizens should pay the cost of mitigating major environmental impacts which the proposed Warm Springs Extension would have on Fremont's community facilities and neighborhoods. It is clear the primary purpose of the extension is to serve Santa Clara County, and incidentally to improve service to Fremont. We have not seen firm evidence of a commitment by Santa Clara County to "buy into" the project in proportion to the benefits it will receive.

The new DEIR includes a more complete analysis of project impacts than the version published last year. However, we are disappointed the DEIR does not clearly specify the subway options as appropriate mitigations in Central Park and clearly identify BART's responsibility for traffic mitigation measures. The DEIR also fails to consider a depressed alignment in retained cut or subway under an extended Blacow Road as requested by the Fremont City Council last year.

The City of Fremont wishes to be cooperative and supportive of the Warm Springs Extension project, and to maintain a positive working relationship with BART. However, in the City's judgment, the potential for severe, permanent environmental damage from the project outweighs its benefits, and the new DEIR gives us little comfort in this regard. Therefore, the City of Fremont must oppose the project if certain key issues are not resolved:

1. *Subway Option through Central Park:* Central Park is a unique and very special resource. The Park is just as important to Fremont and Southern Alameda County as Golden Gate Park is to San Francisco, and it should receive the same sensitive treatment a BART extension through Golden Gate Park would receive. The extension *must go under* Central Park and Lake Elizabeth in a subway configuration at BART's expense. This is a firm and absolute requirement of the City of Fremont (well supported, we believe, by State law). The City will pursue all means necessary to ensure this requirement is met.

The DEIR outlines seven goals and objectives of the Proposed Project (pages 1-8 to 1-10). The Proposed Project incorporating the aerial option through Central Park would not meet three of the seven goals and accompanying objectives. These goals are as follows:

"Goal 2 – Improve Environmental Quality. Transportation improvements should increase accessibility and efficiency while minimizing adverse environmental effects."

The Proposed Project may meet the increased accessibility and efficiency goal, and help to improve air quality, but it would not meet the objectives of minimizing the impacts on existing development and existing natural resources.

"Goal 3 – Compatibility with Adjacent Land Uses and Planned Development. Transportation improvements should be compatible with adjacent land uses and should be consistent with planned regional development."

The Proposed Project would displace and disrupt existing land uses in Central Park and result in significant adverse environmental impacts.

"Goal 7 – Support Community and Institutional Goals. The transportation system planning process should maximize community acceptance and political and institutional support."

The Proposed Project would not be consistent with local goals and objectives included in the Fremont General Plan and would not be acceptable to the City if it includes an aerial structure in Central Park.

The DEIR clearly demonstrates the need to build BART as a subway through Central Park to avoid significant adverse environmental impacts. The DEIR concludes a BART aerial option will have significant, unavoidable adverse land use impacts on the park, especially sailboats, and the recreational value of the northeasterly portion of the lake.

CP-1

CP-1

The aerial option also has negative visual and noise impacts on this portion of the park and does not conform with the City of Fremont General Plan. In addition, the aerial option for the proposed project alignment would have significant, unavoidable impacts on the valuable wildlife habitat in the riparian forest east of Lake Elizabeth and is, therefore, unacceptable. These significant impacts must be mitigated by the selection of a subway option on either the proposed project design option 1 (subway) alignment or design option 2S (subway) alignment.

PD-4

The cost information regarding subway and aerial options presented in the report is difficult to interpret and may be misleading. Based on City staff discussions with the EIR consultant, City staff concludes the additional cost of subway through Central Park lands is approximately \$40 million minus the cost to replace park land impacted by the aerial alternative. The \$60 million added cost mentioned in Table 2-6 includes costs associated with subway under Paseo Padre Parkway and includes no provision for replacing park land. Replacement of park land is mandated by State law, the Public Park Preservation Act of 1971. The minimum estimated park land replacement cost for the five acres under the structure would be approximately \$4,000,000 and could be higher if it is determined that a greater acreage is affected by the aerial alternative.

PD-5

The cost of adequately mitigating the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole, not the City of Fremont. While the City endorses the Warm Springs Extension, the major benefits of the extension accrue to the Bay Area region and not the City of Fremont. Since 9,249 of the 21,900 projected riders boarding at the four (4) Fremont stations are expected to have Santa Clara County origins or destinations, Santa Clara County should provide its proportionate share of the extension costs. If both sides approach these negotiations in a fair minded manner, agreement on financial participation by Santa Clara County should be possible.

N-1

2. **Noise and Vibration Mitigation:** One of the most frequently voiced concerns expressed by residents living near the proposed BART extension alignment relates to noise and vibration impacts, especially the noise bounce-off effect if sound barrier walls are only installed between the tracks. BART should commit to meet with impacted residents and property owners and implement noise and vibration measures which resolve their concerns. The draft EIR concludes noise barriers are required along much of the alignment. The City of Fremont urges BART to select an alignment which minimizes noise impacts and declare its intent to install noise barriers to protect existing residences and other sensitive noise receptors along the extension alignment. BART should also declare its intent to use rail and ballast installation techniques for BART and railroad tracks which minimize vibration and ground-borne noise.

PD-6

Last year, the Fremont City Council suggested consideration of extending the depressed alignment of BART and the railroad lines from the Irvington Station southerly to approximately 750 feet south of an extended Blacow Road in order to mitigate impacts on a substantial number of residences south of the Irvington Station. The new DEIR does not address this option. Anticipated noise, vibration and safety impacts of BART (when added to the impacts of the existing railroads) generally between Washington Boulevard and Durham Road are unacceptable and must be properly mitigated at BART's expense. A depressed alignment extending south from the Irvington station

would be a desirable solution. We believe the 72" storm drain referenced in the DEIR poses an engineering challenge, but is not a reason to reject the concept of a depressed rail bed through this area. The City Council requests BART thoroughly address the feasibility of this option in their response to this letter.

PD-6

3. **Traffic Mitigation:** The Transportation Section of the DEIR presents volumes of information regarding the traffic impacts of the new BART stations. However, it fails to identify specific mitigations for which BART is responsible. Based on data presented in the EIR, the City Council believes BART should be responsible, as a minimum, for full improvements at the intersections of Driscoll/Osgood/Washington and Warm Springs/Osgood/S. Grimmer and the Blacow Road grade separation and street improvements between Roberts and Osgood. BART should consider using the existing structure in the abandoned Route 238 right-of-way south of Blacow Road to build an I-680 on and off-ramp directly into a parking structure at the Irvington Station. BART should also provide pedestrian improvements to facilitate walking to the station sites, install any traffic signals required at station driveways, and install transitional street improvements beyond BART station frontages. The cost of adequately mitigating all the impacts of the Warm Springs extension are the responsibility of BART and the region as a whole and not the City of Fremont.

T-7

4. **Hazardous Materials Mitigation:** Contrary to several statements in the DEIR, operation of the BART track and facilities will involve the management of hazardous materials. Examples include the vehicle wash and maintenance pit near the end of track at the Santa Clara County line. Construction operations will also involve a variety of hazardous materials which will require appropriate management. Examples include contaminated soil and water. BART, as property owner, may also be responsible for investigation and clean-up. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community. An approved remediation plan will be required to assure BART development will not negatively impact any required site remediation. The draft EIR does not document the incorrect assumption of no negative impacts. The DEIR identifies the potential for exposure of citizens and constructions workers to contaminated soil and/or groundwater.

HM-1

HM-2

The City Council also takes this opportunity to communicate the following general concerns regarding the extension:

1. **Fremont General Plan Conformance:** The proposed project with either design option 1 (subway) or 2S (subway) in Central Park and Alternatives 4 or 5 with either design options 1 (subway) or 2S (subway) are the only alternatives which conform to the Fremont General Plan. It is especially important for the Irvington Station to be included as part of the extension because the station is a cornerstone of the Irvington redevelopment plan.

P-3

- GEN-2
2. **Station Architecture:** It is extremely important for BART to establish and maintain a close working relationship with the City to insure station designs integrate well with the future development of the surrounding neighborhoods. The City is particularly interested in integrating plans for the Irvington Station and joint development on that site with redevelopment of properties along Washington Boulevard.

The City Council requests BART make provisions for City review of architectural and building plans for all new Fremont stations. The Fremont Fire Department has determined that Title 19 of the California Code of Regulations gives the Department jurisdiction over fire safety provisions at BART stations.

- LU-1
3. **Potential Displacement:** The proposed project will impact 83 businesses and 17 residences. While all these businesses and residents ultimately may not have to be relocated, they will all be concerned about how they will be affected by the extension. The City Council requests BART contact all affected parties once the project alignment is selected to provide information on anticipated impacts and available assistance.

The following specific comments on the draft EIR were prepared by City staff and are intended to assist BART staff in the completion of a final EIR (the initials in parentheses following each comment are included for our purposes to identify the department making the comment):

SUMMARY

1. Page S-9

- SU-1
- City staff is not in agreement with the following statement: "Visual Quality: Additional development will create an environment that is more built up which would allow the BART aerial structures less likely to contrast with or dominate their surroundings. Development and maturation of plantings around Central Park will contribute to a visually complex environment capable of visually absorbing the BART structures."

- SU-2
- Central Park has been conceptualized in zones of varying recreation activity intensity. The zone near Lake Elizabeth is considered a passive recreation zone. Some Civic Center build up near Stevenson Boulevard, such as a Police Building or Swim/Gym, will not serve to lessen the visual and aesthetic impact to passive recreation users nearer to Lake Elizabeth. (LS)

- SU-3
- The above EIR statement also contradicts several statements on page S-7. Considering the complete build-out of developments at the northerly side of Stevenson Boulevard opposite Central Park, and the maturing of the trees at Central Park, City staff contends the BART Design Options 2A and 3 will still have significant adverse visual impact in the surrounding area. (PW)

2. Page S-12

- SU-4 ↓
- BART, as property owner, may be responsible for "investigation and cleanup."

"Site characterization and remediation activities" may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

SU-4

Much more than a "site-specific health and safety plan" will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. Implementation of part or all of a site characterization and remediation plan may be required. (B&S)

SU-5

3. *Page S-13*

Impact of a subway on groundwater flow would not be significant, in part, because flow direction is generally northerly near Lake Elizabeth. However, during construction, Mission Creek should not be diverted into Lake Elizabeth except during storm conditions.

SU-6

An aerial track may block the movement of wildlife which now occurs across both railroad tracks. Deer, fox, and opossum have been seen moving between Lake Elizabeth and the hills to the east. Raccoon, pheasant, and a variety of rodents are also common to the area.

SU-7

New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerial structures and other impervious cover may add a significant and unacceptable burden to the City. (B&S)

SU-8

4. *Page S-14*

Dewatering during the construction of a subway is unlikely to impact potable water supply because of the geologic composition. However, flow into Lake Elizabeth could be significantly impacted.

SU-9

An aerial would reduce available flight paths for the many water fowl which use Lake Elizabeth during migrations.

SU-10

The restoration of riparian habitat as well as the lost grasslands should be addressed. (B&S)

SU-11

5. *Page S-15*

Wetlands will likely have to be replaced at a higher than one-for-one basis, both for any losses related to Central Park and for areas in the sag ponds which are negatively impacted. (B&S)

SU-12

6. *Page S-16*

SU-13

Some summary items are not clear about establishing replacement sports fields prior to any disruption of existing fields. Section 3.7 provides more detail. However, it should be clear at all times that placement of temporary or alternate ball fields will be achieved prior to disruption of existing facilities to insure program continuity. BART should propose where the fields are to be temporarily or permanently replaced to insure they do not impact other planned developments. (LS)

7. *Page S-17*

SU-14

Propose what specific modification of softball fencing and lighting will be needed and how it may be accomplished without altering program. (LS)

PROJECT DESCRIPTION

1. *Page 2-4*

PD-7

For the Proposed Project, "South of Walnut Avenue, existing poor load bearing soils in the Tule Pond will be excavated and replaced with soils suitable for construction" This is a complex engineering project and the necessary protections for the environment and habitat have not been addressed in the draft EIR. Use of drain wells should not be allowed. (B&S)

2. *Page 2-24*

PD-8

A BART extension along Osgood Road, rather than parallel to the railroad rights-of-way, would encounter more areas of potential environmental contamination which could require soil characterization and remediation. (B&S)

3. *Page 2-42*

PD-9

This section addresses planned modifications to the Tule Pond as part of the construction project. There is no mention of essential protective measures for the riparian habitat, deep water aquifer, and stormwater control. (B&S)

4. *Page 2-43*

PD-10

Propose where a construction storage yard would be located. Adverse visual impacts would occur if the yard is located within Central Park. (LS)

5. *Page 2-47*

PD-11

The section on Cost Comparisons does not include projected costs for characterization and remediation of areas with potentially significant environmental contamination. (B&S)

SOILS, GEOLOGY AND SEISMICITY

1. *Page 3.2-13*

The graphic of "Regional Faults" and the Project Corridor is misleading. This is, in part, due to the scale. In reality, faults are not a single, solid line that have clear, sharp edges. There are several fault traces, which are discussed in the narrative. It would be more informative for the general public who may try to understand the "Seismicity" section, to have more accurate, and thus more revealing graphics. (B&S)

G-1

2. *Page 3.2-28*

Walnut Avenue will be built on embankment with a 54 foot crest, per BART Design Criteria, with sideslopes of 2:1. Fremont staff has concern with the 2:1 slope (vs. 3:1) in terms of maintenance of erosion control plants on the site slopes. Will jute-matting be provided for the side slopes? What is BART's experience in other areas with embankment having slopes of 2:1? (PW)

G-2

3. *Page 3.2-33*

The second paragraph mentions the adverse effect of groundshaking liquefaction differential settlement on the two subway options (Design Option 1 and 2S) on the proposed alignment at Central Park. What are the mitigations? The statement seems to considerably disfavor the subway option. Are not the design considerations addressed in the BART Extensions Program Design Criteria sufficient to mitigate these impacts?

G-3

What were the design considerations used in the Trans-Bay Tube between San Francisco and Oakland? (PW)

G-4

4. *Page 3.2-35*

All construction should comply with the requirements in the Uniform Building Code and Uniform Fire Code enforced at the time of construction. (B&S)

G-5

5. *Page 3.2-36*

What is the extent of review by the City's Building and Safety Department with regards to compliance with UBC requirements in the design of the facilities?

G-6

Provisions should be made to accommodate City of Fremont requirements, such as the City of Fremont Grading, Excavation and Sedimentation Control Ordinance. (PW)

G-7

HAZARDOUS MATERIALS

1. *Page 3.3-2,3*

HM-3 | The local enforcement agency is, primarily, the Environmental Protection Division of the City of Fremont. It is a misnomer to say "The City of Fremont Hazardous Materials Division."

HM-4 | The City does not issue business plans. The City does review business plans submitted by regulated facilities and issue Hazardous Material Permits for approved sites. This extends beyond enforcement of underground tank regulations. (B&S)

2. *Page 3.3-7*

HM-5 | Item 13 is misleading. Fremont Wire & Plating is the subject of enforcement action by the City through the Superior Court. Appropriate site closure is required, but has not been adequately addressed. (B&S)

3. *Page 3.3-8*

HM-6 | For Item 27, free product was identified and a treatment facility is in place. This site is contiguous to one of the proposed BART stations. (B&S)

4. *Page 3.3-14*

HM-7 | The report should mention the regulated materials associated with the carwash and maintenance/inspection pit. There will be additional construction-related regulated materials (e.g., solvents, welding materials, cleaners, fuels, compressed gases, and hazardous wastes).

5. *Page 3.3-16*

BART, as property owner, may be responsible for investigation and clean-up. There is no indication of an intent to apply "the innocent land owner" exemption. Site characterization and remediation activities may need to be implemented before any grading, excavation and/or dewatering is undertaken. The time frames may be significant to the project and/or community.

HM-8 | Much more than a site-specific health and safety plan will be required if soil and/or groundwater contamination is identified. A remediation plan, approved by the appropriate regulatory agencies, will be required to assure BART development will not negatively impact any required site remediation. The DEIR does not document the assumption of no negative impacts, which we believe is incorrect. Implementation of part or all of a site characterization and remediation plan may be required.

The DEIR identifies the potential for exposure of citizens and construction workers to contaminated soil and/or groundwater. However, there is no plan to detect possible exposures (3.3-20). A plan for the appropriate sampling and testing of excavated soils and

extracted groundwater should be developed. Results would need to be available in a timely manner to allow for implementation of needed protective measures. The use of an on-site certified laboratory could help with this task. (B&S)

HM-8

6. *Page 3.3-18*

Fremont Wire & Plating has been ordered to implement an approved Closure Plan. As of this date, this has not been done and the case has been referred to enforcement. (B&S)

HM-9

HYDROLOGY

1. *Page 3.4-4*

The Tule Pond, formerly called Tyson's Lagoon, is misleadingly identified as "a natural depression formed along the Hayward Fault." The Tule Pond referred to in several areas of the DEIR is part of a series of inter-connected sag ponds directly related to the Hayward Fault. No consideration has been given to the potential negative impacts of the proposal to fill portions of one. Because there are at least two direct connections between the sag ponds and the deeper aquifer (source of our drinking water), this is a serious consideration. Such impacts, as well as flood control, storm water runoff, maintenance of the specialized riparian environment, and possible geologic instability should be addressed.

H-1

The California Regional Water Quality Control Board (RWQCD) sampled the largest Tule Pond in May 1988 as part of a background study. Up to 26,000 parts per billion (ppb) of Total Fuel Hydrocarbons were identified. This level of contamination is consistent with those generally attributed to the effects of non-point discharge.

A study of this important issue was undertaken by Patrick L. Williams of Lawrence Berkeley Laboratory which includes the identification of an abandoned well (4S/1W-28601) in the largest Tule Pond.

Wetlands will likely have to be replaced on a higher than one-for-one basis, both for any losses related to Lake Elizabeth and for areas in the sag ponds which are negatively impacted by construction. This replacement must be of the same quality. The DEIR seems to imply that merely digging a nearby hole would be adequate. This is not the case. Development must proceed in such a way as to avoid augmenting contamination at and beneath the area. Storm water runoff could be channeled directly to the "B Line."

H-2

The Tule Pond is used as a surge pond for the area's stormwater collection system. Use of drain wells should not be allowed. (B&S)

H-3

2. *Page 3.4-5*

Staff is concerned with the potential flooding due to inadequate sizing of the culverts for the major storm drain line storm drain lines that runs under the UPRR and SPTCo. tracks that will be utilized for the at-grade BART extension. Will improvements on the existing culvert facilities be made? Mitigations recommended in page 3.4-13 appear

H-4

H-4 | ineffective and inadequate. "Pervious" pavements are not an acceptable method for storm drainage. (PW)

3. *Page 3.4-10*

EC-1 | The plan to enlarge the south end of one of the Tule Ponds to "makeup" for filling part of the northern end refers to the loss of riparian habitat and the necessary concurrence by the Corps of Engineers and the California Department of Fish and Game. This is a serious issue and must be adequately addressed. (B&S)

4. *Page 3.4-11*

CP-2 | The existing lake bottom is at elevation 44.0, and the low water elevation is at 48.5. High water elevation is at 51.5. The plans indicate the top of the subway structure is about 48.5, yielding a water depth ranging from zero to 3 feet. This is inadequate for boating use of the easterly end of Lake Elizabeth. The top of the subway structure should be no higher than elevation 44.0 in order to permit boating. (PW)

5. *Page 3.4-13*

H-5 | New requirements to monitor, minimize and treat non-point source runoff have not been considered. Aerials and other impervious cover may add a significant and unacceptable burden to the City. The draft EIR does not address this issue. (B&S)

6. *Page 3.4-18*

H-6 | Localized groundwater pumping for a subway at Lake Elizabeth is unlikely to impact deep aquifer production wells. The capture zone of such dewatering activities can be easily controlled. (B&S)

ECOSYSTEMS

1. *Page 3.5-8*

EC-2 | City staff have personally observed deer (not listed), striped skunk, raccoon and opossum in the proposed route area. (B&S)

2. *Page 3.5-10,11*

EC-3 | See Comment No. 1 under "Hydrology" above. (B&S)

3. *Page 3.5-15*

EC-4 | Cooper's Hawks are common to Stivers Lagoon and probably nest there. This is an exceedingly secretive predatory bird. (LS)

4. *Page 3.5-18*

Under the section on impacts related to the Riparian Forest, there is a discussion which emphasizes the design of the aerial structure will minimize loss of riparian forest area and displacement of this habitat area by the support structures. It is therefore concluded that this loss would be considered less than significant. However, this conclusion does not take into consideration the fact birds and wildlife will avoid the rail corridor after construction because of the noise of the trains, and, therefore, the movement pattern and location of wildlife habitat areas will substantially change in the area devoted to the rail corridor. (CDD)

EC-5

5. *Page 3.5-23*

Tri-Colored Blackbird is regular daily visitor in Central Park in small numbers in summer. Currently it is unknown if they nest in Central Park. (LS)

EC-6

6. *Page 3.5-24*

Curtailling tilling to preserve Ground Squirrel and Burrowing Owl colonies will present some conflict for weed abatement regulations and will impact higher costs for repeated mowing. Uncontrolled tall plant growth apparently discourages and displaces both species populations. Encouragement of Ground Squirrel colonies would create maintenance impact where the colonies might abut developed turf or structures. (LS)

EC-7

7. *Page 3.5-25*

This section states the loss of habitat quality for migratory birds due to noise from train passage through the forested area may be mitigated to a less than significant level by sound walls. How would sound walls mitigate the noise immediately above the corridors? Birds would still avoid that area above and adjacent to the train corridor where the highest level of noise and vibration occur. Birds and wildlife may approach closer to a corridor with sound walls than one without walls; however, there would still remain an overall loss of habitat quality and quantity which would not occur with implementation of one of the subway design options. (CDD)

EC-8

8. *Page 3.5-26*

Under the section on Rare, Threatened, and Endangered Species and Species of Special Concern, a mitigation monitoring program is mentioned. What agency would be responsible for monitoring the implementation of mitigation measures? To whom would BART be reporting implementation of project mitigation measures? (CDD)

EC-9

LAND USE AND ECONOMIC ACTIVITY

1. *Page 3.6-13*

LU-2

In the discussion on the land use designations under the Warm Springs Station section, it should be noted that the BART station is in an area designated a Study Area by the Fremont General Plan which extends from South Grimmer Boulevard to Brown Road. The City or any other party may initiate a study for a potential change in land use in this area. (CDD)

2. *Page 3.6-18*

LU-3

The last sentence on the page under Potential for Growth is incorrect. No proposal or study is currently being considered to change land use designations around the proposed Irvington BART station. (CDD)

3. *Page 3.6-22*

LU-4

The last paragraph on the page mentions a Warm Springs BART Area Specific Plan. Since Shapell has withdrawn its study for potential land use change, no specific plan is proposed at this time. The area is more correctly called a Study Area on the General Plan, and no land use change is being assessed at this time. However, other land uses could be evaluated for the area in the future, as discussed above. Additionally, it should be clarified that the NUMMI plant is not the only industrial use in that area which could limit the potential for residential land use. (CDD)

4. *Page 3.6-30*

LU-5

Under Neighborhood Planning Goals, the first sentence describes particular designations on the General Plan as "specific plan areas." These are more correctly termed potential plan areas. Additionally, a reference is made to a study commissioned by the City regarding residential land use in the Warm Springs BART station area. A preliminary study was initiated by Shapell Industries and later withdrawn prior to completion and approval. The area is now designated a Study Area, although no land use change is presently being considered. (CDD)

5. *Page 3.6-31*

LU-6

The reference made to the Irvington BART Station Concept Plan is incorrect. What was actually adopted in March 1990 were approved plans and specifications for street widening in the Irvington area, with final designs for plazas and central places. However, design and street improvements related to the BART station were to be considered at a later date, when plans were available, to ensure that the BART station design fits into the community and neighborhood. The footnote at the bottom of the page should also be revised. (CDD)

6. *Page 3.6-36*

The discussion on this page related to BART station areas, site planning and architecture is very limited, and should be expanded. The discussion related to the need for station design to address the issue of negative land use impacts caused by traffic congestion is appropriate. (CDD)

LU-7

7. *Page 3.6-38*

Under the section on Station Area Real Estate, regarding the discussion on the presence of a station and the minimal affect on real estate trends, this may be true in the long-term, but station development could constrain and adversely affect investment in real estate in the area in the short-term during periods of construction.

LU-8

Additionally, neighborhood goals could be positively or adversely affected depending on the design and architecture of the resulting stations. The site design and architecture of the BART stations should fit into the community and neighborhood, and not be of a standard, generic type. (CDD)

LU-9

8. *Page 3.6-42*

Under Neighborhood Impacts, it is stated the Proposed Project would impact neighborhood areas minimally since most of the BART alignment would be located on or adjacent to an existing railroad ROW. It cannot be assumed BART will minimally impact a particular neighborhood until a site plan and station design are developed. Station design will be an important consideration in determining whether or not there are such impacts on the community. (CDD)

LU-10

9. *Page 3.6-43*

Under Neighborhood Mitigation Measures, the second item listed related to construction traffic control criteria should include the City as an agency to be consulted in addition to local business associations prior to construction being undertaken by BART. (CDD)

LU-11

FREMONT CENTRAL PARK

1. *Page 3.7-11*

Under State law, BART would be obligated to replace the amount of park land traversed by the corridor through Central Park with actual land elsewhere in the City. If the affected area is 33 acres, as mentioned in the Noise and Vibration chapter as the acreage affected by the residual noise impacts, then BART would be responsible for replacement of a minimum of 33 acres. This should be discussed in the document, and a determination made as to whether such land is actually available for replacement and the estimated cost of the replacement land stated. The cost of the land would then need to be added to the cost of the Proposed Project and the cost of all alternatives incorporating the aerial structure (revise also Tables 2-5 and 2-6). (CDD)

CP-3

2. *Page 3.7-11*

CP-4

The DEIR states that the aerial structure of the Proposed Project will not significantly reduce the amount of land available within the park for recreational or civic purposes. This may be correct if the only consideration is the amount of acreage traversed by the structure. However, the aerial structure would have a significant adverse effect on recreational activities, the continuity and interrelationship of the park land use, and the overall quality of the recreational experience in the park. The aerial structure proposed would physically bisect the park and the interrelated uses such as walking trails, ball fields and concession areas. It would also result in the removal or relocation of two softball fields, and create a need to change some sailing activities in Lake Elizabeth. (CDD)

3. *Page 3.7-11*

CP-5

Open areas below aerial structure cannot be used for the same recreational activities as before. Park visitors with kites, balls, Frisbees, etc., would be impacted. These activities might disrupt train service. Open areas below tracks would not be useful for the same existing or future purposes. (LS)

4. *Page 3.7-12*

CP-6

The passby effect on pedestrians is inadequately valued. Twenty minutes is a very quick pace for the Lake pathway. Serious walking is 30 minutes, casual strolling is 40 minutes. Three hundred foot impact zone is apparently derived from noise standards. Visual impact from line of sight vehicle traffic on Stevenson Boulevard is a minimum of 1,400 feet. Using that as a currently acceptable visual disturbance distance, 7,700 feet of the lake edge pathway is within this distance of the proposed aerial structure. With a 30 minute lap, pedestrians would experience nine trains at one minute duration each when they are inside the 1,400 foot envelope. This means 30% of their walking experience would be exposed to the visual impact of a moving train. (LS)

5. *Page 3.7-12*

CP-7

The DEIR mentioned most walkers would circle the lake on the walking trail in 20 to 30 minutes. This would be an extremely fast pace. The document also states there would be only a minor to moderate effect on recreational walking in the area, and interference with conversation would only be for 2 to 10 seconds. The impact of this intrusion into the park area is grossly underestimated. The resulting impact would be significant on the quality of the recreational experience. (CDD)

6. *Page 3.7-13*

CP-8

Construction storage is proposed for open space between Walnut and Paseo Padre. Much of this open space is within Central Park. Impact analysis should address the presence of storage yard in Central Park. (LS)

7. *Page 3.7-13*

The conclusion that the implementation of the Proposed Project with an aerial alignment through Central Park would result in a significant adverse land use impact is correct. It would also be appropriate to suggest implementation of Design Option 1 or Design Option 2S, with the subway through Central Park as a mitigation measure for the adverse land use impact. (CDD)

CP-9

8. *Page 3.7-14*

Explain why Lake edge pedestrian access cannot be completely mitigated throughout construction period. Fencing, earthen alternate routes, and flag controllers could ease the construction impact. Temporary route alternations or surface degradation would probably be tolerable. Any significant closure of the Lake circumference path would substantially impact park visitors. (LS)

CP-10

9. *Page 3.7-14*

Mission Creek water quality is significantly worse than Lake Elizabeth. Mission Creek water should not be diverted into Lake Elizabeth except for storm retention purposes. Diversion would further impact contact recreation activity (boardsailing). (LS)

H-7

10. *Page 3.7-14*

Where in Central Park are temporary and permanent replacement ball fields to be located? Any site further north might present home run or foul ball conflicts with Stevenson Boulevard. Where do we replace displaced parking and maintain convenient access to sports facilities? (LS)

CP-11

11. *Page 3.7-15*

A temporary Lake pathway is a mitigation which must be maintained. (LS)

CP-12

12. *Page 3.7-16*

The loss of land for regional transportation purposes does not present the same local value as use of land for recreation or Civic Center purposes. (LS)

CP-13

13. *Page 3.7-16*

The statement that the impacts of the structure and train activity on recreational walking, jogging and bicycling around the lake would be reduced to less than significant levels, but not eliminated, is misleading and an incorrect conclusion. The trails may remain intact, but the experience of the participants would be negatively impacted by the physical intrusion of the aerial structure and train passbys. (CDD)

CP-14

14. *Page 3.7-17*

CP-15

Why would ball fields be lost during construction? Why wouldn't they be temporarily supplied nearby and then reconstructed after development of BART line? The text and summaries should consistently show sports programming will remain intact throughout development and operation phases of the project. (LS)

15. *Page 3.7-17*

CP-16

Why is it suggested a subway route would make it more difficult to maintain pedestrian routes during construction phase? Will the entire trench for subway be open and exposed at one time? Can subway be accomplished in phases so pedestrian access can be temporarily re-routed in phases? (LS)

16. *Page 3.7-18*

CP-17

Alignments 2A and 3 are suggested as having higher impact because they would interfere with three sports fields. Compute and discuss minor radius reductions north of Stevenson Boulevard which would eliminate impact on any outfields. Train speed reductions would not present as significant an impact in close proximity to a station. (LS)

17. *Page 3.7-19*

CP-18

Why is the land impact of alignment 2A so much less than BART's proposed project? See footnote. It may have been incorrectly interpreted that land between UPRR and SPRR is not a part of Central Park? (LS)

18. *Page 3.7-20*

CP-19

One brief sentence is inadequate to cover the issue of the future Central Park Golf Course. Alignment 2A would impact land acreage available for golf. Alignment 3 would probably eliminate any possible golf development. What impact would errant golf balls have on any of the surface or aerial alignments? Can BART aerial track be caged to prevent access of errant balls? These issues should be addressed. Alignment 2A or 3 could displace golf development. If so, this might create a substantial cumulative impact in that the 30 acres proposed for golf might then be subject to use for civic structures or intensive recreational uses. (LS)

19. *Section 3.7*

CP-20

The City has made a substantial asset investment in the Softball Complex building. The complex houses program staff, a meeting room, public toilets, and snack bar. What impact results when a four field complex is fractured to smaller components? Will the City have to provide duplicate services at several locations? Will the split result in loss of profitability for snack concessions and subsequent cancellation of service?

The Public Park Preservation Act of 1971 will require replacement of park acreage lost due to development. Leisure Services believes that the severance of recreational continuity in Central Park and the loss of some forms of recreation activity in the vicinity of a track superstructure will require substantial acreage replacement in compliance with this law. (LS)

CP-21

VISUAL AND AESTHETIC QUALITY

1. *Page 3.8-6*

The Civic Center is in North-West area adjacent to Central. (LS)

GEN-3

2. *Page 3.8-20*

This is the first time the City has heard of installing taller power line supports in or adjacent to Stivers Lagoon. What is the construction impact on Stivers Lagoon habitat from tower development? (LS)

EC-10

3. *Page 3.8-29*

The mitigation measures suggested for the Central Park section of the aerial structure are inadequate. This structure will result in a permanent visual intrusion into the park landscape and cannot be screened by the suggested landscape plantings. Landscape screening may be appropriate and adequate for equipment areas and fences, but would be completely inadequate when considered with the scale of the aerial structure. The plantings shown in Figure 3.8-5C are mature and would take many years to just partially hide the pillars of the aerial structure. Any screening would also result in a further separation between the east and the west side of the park, affecting the interrelationship of recreational uses. Additionally, the pillars traversing Lake Elizabeth on the east side cannot be screened even partially from view. (CDD)

V-1

4. *Page 3.8-31*

The discussion under Residual Impacts After Mitigation does not assess the impact of the landscape screening of the aerial structure and the affect on the interrelationship of the recreational land uses. This should be included in the discussion. Additionally, the discussion mentions that the future swim center, public safety building, and the landscaping proposed would reduce the visibility of the aerial structure and its relative importance to the landscape of Central Park. It is also stated that although some visual impacts would remain, they would not constitute a significant adverse environmental impact. The swim center and public safety facilities have not yet been designed or received site plan approval. The City Council has made a preliminary determination to locate a future Police Building in the Civic Center/Central Park area. Specific siting for the building is still to be determined. It is inappropriate and speculative for the consultant to assume these proposed buildings will screen or reduce the visibility of the aerial structure. (CDD)

V-2

V-3 | The suggestion that the visual impact in an active sports area would be acceptable is too judgmental a statement for an objective EIR document. (LS)

V-4 | The Fremont General Plan considers Central Park a unique visual resource, and a valuable recreational asset to the community. Therefore, it appears the consultant has underempathized the impact of the aerial structure on the visual and aesthetic quality in the Central Park recreational area. Implementation of Design Option 1 or Design Option 2S, with the subway through Central Park, should be suggested as a mitigation measure for the adverse visual impact. (CDD)

CULTURAL RESOURCES

1. *Page 3.9-11*

C-1 | Under the section on Proposed Project Impacts, the discussion on the focused subsurface archaeological testing program related to the CA-Ala-343 site is a mitigation measure and should be discussed in that section (rather than under impacts). It should also be clarified this task would be performed in implementing any of the design options since all would have some level of impact on the subsurface deposits. (CDD)

SAFETY AND SECURITY

1. *Page 3.11-1*

SS-1 | No discussion of security or vandalism impacts on park supervision program is included in this section. No reference is made to the existing park security program. Are Park Rangers expected to keep visitors from flying kites in proximity of the track for fear of dropping metallic mylar films onto the third rail? Who responds when a park visitor lofts a ball or Frisbee at an oncoming train? (LS)

2. *Page 3.11-, 1st Paragraph*

SS-2 | The Fremont Fire Department has nine fire stations, not eight as listed in the report. (FD)

3. *Page 3.11-4, 2nd Paragraph*

SS-3 | Identify the location and response time to Fremont of the four emergency vehicles. (FD)

4. *Page 3.11-5*

SS-4 | This section makes reference to a safety engineer review of drawings and specifications for compliance with safety codes. It further states on pages 3.11-6, the Fremont Fire Department requests an opportunity to conduct a review of plans for conformance with local codes.

At the July 17, 1991, EIR meeting, a BART representative stated BART enjoyed autonomy on matters of design criteria and review.

The Fremont Fire Department contends that Title 19 of the California Code of Regulations gives fire department jurisdiction over BART stations. Specifically page 1, paragraph 1.03, states these regulations should govern use and maintenance of structures used for awaiting transportation. Title 19 constitutes the basic building design and construction standards of the State Fire Marshal. (FD)

SS-4

TRANSPORTATION

1. *Page 3.12-4*

The method used to calculate signalized intersection level of service is slightly different from our usual TJKM method. The method used by DKS differs in its treatment of right-turn movements and does not appear capable of evaluating alternative phasing arrangements, such as right-turn overlap phasing. As such, this method would appear to generate more conservative level of service results.

T-8

The description of the all-way stop-controlled method of calculating level of service appears to be different from the method actually used, as shown in Transportation Technical Appendix. (PW)

T-9

2. *Page 3.12-7*

The discussion about the Blacow Road extension should be expanded. The Blacow Road extension is included in the City of Fremont's General Plan to accommodate the presence of the BART station in this area. (PW)

T-10

3. *Page 3.12-13*

Osgood Road will be a four-lane facility, with provisions for left turns, not strictly an undivided facility. Provisions for left turns should be available at the Irvington BART Station. (PW)

T-11

4. *Page 3.12-33*

The EIR does not address the impacts to local circulation in the vicinity of the Irvington BART Station with respect to the elimination of Railroad Avenue. We would anticipate a requirement to connect High and Main Streets. (PW)

T-12

5. *Page 3.12-33*

The report discusses significant traffic impacts for the proposed project. Included in this discussion are descriptions of the percent of BART traffic relative to the total traffic in 1998. These percentages should not be interpreted as BART's responsibility for mitigation. BART's mitigation responsibility should be based on a combination of factors. These factors include: (a) the need to have certain street and access improvements in place when train service begins, (b) the satisfaction of normal frontage

T-13

improvement requirements, and (c) the percent of incremental traffic at impacted intersections where the timing of improvements can be delayed.

T-13

This latter concept needs further explanation. Calculating mitigation responsibility by this method is in line with the intent of AB 1600. Where existing roadway deficiencies do not exist, it becomes incumbent upon future development to remedy anticipated problems. Therefore, the calculation of the mitigation responsibility must be based on the net growth in traffic – not the total traffic – at those problem locations. If a deficiency does currently exist, then the percentage of total traffic can be considered. (PW)

6. *Page 3.12-16*

T-14

The Mitigation Measures section should also list those BART driveway intersections that will require traffic signals. These signals may also require traffic signal interconnect. (PW)

7. *Page 3.12-62, Table 3.12-12*

T-15

The right-turn lane designations should be double checked on this table, particularly regarding the “*” and “**” footnotes. According to this table, some intersection approaches do not have right turn lanes. For example, see northbound and southbound Warm Springs /Kato/Scott Creek. (PW)

8. *Page 3.12-63, Table 3.12-13*

T-16

Why are some intersections designated as “NA” under the column labeled “Impact of Mitigation” when mitigation has been applied. For example, see Driscoll/Osgood/Washington. (PW)

9. *Page 3.12-67*

T-17

I-680 Northbound Ramps-Luzon/Washington – The City is not planning any particular improvements for this intersection, as stated in the text. (PW)

10. *Page 3.12-67*

T-18

I-680 Northbound Ramps/Durham Road – The statement about the eastbound-to-southbound right-turn movement being made free-flowing does not make sense (p. 3.12-67). It is already free-flowing. This movement is the on-ramp to the freeway. Our planned improvements to this intersection are as follows: northbound – same as existing; southbound – 1 LT, 1 LT+TH, 1 RT; eastbound – 2 LT, 2 TH, and one free RT; and westbound – 1 LT, 2 TH, 1 RT. (PW)

11. *Page 3.12-68*

T-19

Fremont Boulevard/Cushing Road–I-880 Southbound Ramps – In the future , with construction of the partial cloverleaf interchange, the southbound on- and off-ramps will be split into two intersections. At the southbound off-ramp, three northbound

through lanes and two southbound through lanes should be adequate. The Fremont/Cushing intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. This will require the prohibition of U-turns for the northbound approach. (PW)

T-19

12. *Page 3.12-71*

City staff disagrees with the assessment concerning Fremont Boulevard/Cushing-I-880 Southbound Ramp. This intersection can achieve an acceptable level of service by operating the eastbound right-turn movement as an overlap phase with the northbound left turn. See the comment above. (PW)

T-20

13. *Page 3.12-72*

The statement that there is little difference in transportation impacts between alternatives is difficult to believe. With the single station extension alternatives, it would seem traffic and parking impacts become more concentrated. There should be additional explanation to counter this conclusion. (PW)

T-21

14. *Page 3.12-79*

Alternative 8 would have a significant impact on the left turn storage lanes where the aerial structure runs along a street median. According to page 3.8-18, the aerial structure columns are spaced 70 to 80 feet apart. To span large intersections and avoid impacts on left turn lanes, the spacing would have to be on the order of 800 feet. (PW)

T-22

NOISE AND VIBRATION

1. *Page 3.13-23*

The assumption the noise of the BART trains would have little, if any, impact on wildlife is incorrect. The significant impacts related to noise in the Lake Elizabeth area with implementation of the aerial structure design would inhibit wildlife movement patterns and breeding in the area. The text mentions that passbys typically last no longer than 15 seconds, and would only result in a minor and temporary impact on wildlife. However, passbys would occur every 2.25 minutes during peak periods, and every 3.75 minutes at other times. This represents a reoccurring noise and vibration pattern which would definitely create a permanent impact on wildlife movement and habitat patterns. In other words, birds and wildlife would avoid the affected corridor all together.

N-2

Additionally, the text also states no reported instances of detriment to wildlife due to operational noise along the existing BART corridor have been observed, which indicates there would be no significant noise impact on wildlife. This assumption is based on a comparison of completely different environmental settings. There exists no other area in the BART corridor resembling the environmental makeup of the Central Park area, which contains the diversity of wildlife present there. In fact, the only similar setting might be the Lake Merritt area, and BART is an underground subway through the area,

N-2 | thereby eliminating the adverse noise impacts to both wildlife and people. The consultant should reassess the impact of project related noise on wildlife. (CDD/LS)

2. *Page 3.13-34*

N-3 | Under Residual Noise and Vibration Impacts After Mitigation, the DEIR states residual noise impacts cannot be mitigated in the far northeastern part of Lake Elizabeth and Central Park with the proposed project. Since this residual impact would exist with the proposed project and all of the alternatives which incorporate the aerial structure, the only option available to mitigate this impact is to underground the rail line through this area. This should be suggested as a mitigation measure.

N-4 | Additionally, the DEIR also states that approximately 7.5 percent of the park would be affected. This is misleading and minimizes the actual noise related impact of the aerial structure. The noise impact would occur in a corridor which physically bisects the park, decreasing the value of the recreational experience for people picnicking, walking, jogging,, boating, and engaging in other sporting activities in the park. (CDD)

AIR QUALITY

1. *Page 3.14-6*

AQ-1 | Dust from construction will be a serious problem to pedestrians after 1:00 p.m. Twice a day watering in this open area used by many park visitors would be inadequate. (LS)

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

1. *Page 5-2*

SE-1 | If it were not for the Blacow Road extension, the Fremont Boulevard/Bay Street/Washington Boulevard intersection would be even more heavily impacted. It is, therefore, necessary to mitigate the impacts at this intersection.

SE-2 | Other intersections experiencing significant unavoidable adverse impacts include: (1) Mission/Mohave, (2) Mission/Warm Springs, (3) I-680 SB Ramps/Durham Road, and (4) Warm Springs/Scott Creek/Kato. According to Tables 3.12-12 and 3.12-13, these intersections all experience v/c ratios greater than 0.85, either in 1998 or 2010. (PW)

CUMULATIVE IMPACTS

1. *Page 6-2*

CU-2 | Under Visual Quality, the assumption is made that development and maturation of plantings will create a more complex environment in Central Park capable of absorbing the visual intrusion of the aerial structure. The assumption that the addition of buildings to the park complex would absorb the visual impact of the structure is purely speculative. As discussed under the *Visual and Aesthetic* section above, any further development in the park area is conceptual only at this time, and yet to be designed and

approved. (CDD)

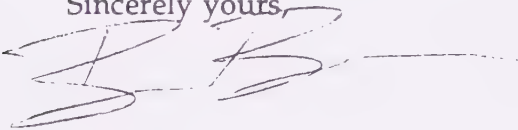
The cumulative impacts discussion should include reference to future development of Central Park. More intensive development throughout Central Park may become more acceptable to future planners if the park is impacted by an aerial structure. In particular, the open space between UPRR and SPRR is currently planned for golf. Should the proposed BART project use aerial alternates in this area, golf may be impractical. Substantial acreage could then become available for other recreation development projects which would include buildings of one sort or another. (LS)

CU-3

The City of Fremont is pleased to submit the above comments, questions and concerns for consideration by BART and in anticipation of thorough and complete responses in the Final EIR. However, the City does not represent that BART's responses will result in City support for a finding that the EIR is adequate and in compliance with the California Environmental Quality Act.

If you have any questions regarding these comments, please contact the City's Transportation Engineer, Martin J. Boyle at 790-6697.

Sincerely yours,



BILL BALL
Mayor

BB:bc
en2-21

cc: City Council
Assemblymember Eastin
Senator Lockyer
Metropolitan Transportation Commission
Alameda County Transportation Authority
City Manager
Assistant City Manager
Department Heads
Transportation Engineer

August 25, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Joan:

Thank you for allowing me the chance to speak at the BART hearing on Monday August 12 at the Fremont Main Library. Some of the people who spoke commented about topics that I would like to address briefly before I present my recommendations on the Proposed Project.

First, the length of time that this or any other BART Extension project takes, from inception to completion (which typically ranges anywhere from 10-20 years) is totally ridiculous. How can we continue to keep people's interest in transit if they must wait for so long?

Second, I, like many others, find the cost of the BART Extension exorbitant. For the Proposed Project and the Alternatives presented, the cost per mile calculates out to \$67-105 million! It is extremely difficult for the average citizen, like myself, to truly grasp how much money that is. We need to work to bring the costs more in line with reality.

Finally, I would like to see the comment period extended to possibly 90 days or more for future EIRs. Many years go into the process of forming the documents that will become the EIR with barely a moment allowed for examination by the community. It is a tremendous task for a person or an organization interested in transit issues to comprehend what is contained in this "telephone book"-like document called the Draft EIR and be able to make any type of comprehensible oral or written comments.

RECEIVED

AUG 28 1991

I reviewed the Draft EIR for the BART Warm Springs Extension in depth and came to the conclusion that the Proposed Project as outlined was fairly good. Although, I would like to offer the following recommendations that would make it a better BART extension:

1. Reduce the size of the parking lots.

The proposed station parking lots are far larger than they should be (refer to Table 3.12-11 in the Draft EIR). As an example from the Table, the estimated parking demand in the year 2010 for the South Warm Springs Station is 1390 vehicles while the number of stalls to be provided exceeds this number by 1010, for a total of 2400 parking stalls. Why do we need so many parking spaces? The Facciola Meat Packing plant, which is located at the southeast corner of this future station's parking lot should not need to be removed just to provide excess parking. This building, if retained, would also serve as a good visual block of an unsightly parking lot as viewed from Warm Springs Blvd. and Kato Rd.

A much better solution to the parking question would rely on a well integrated transit system providing feeder bus lines that access nearby neighborhoods thereby eliminating the need for people to use their cars to get to the parking lots! The land that would be used for parking could instead be better utilized for the integration of businesses located near a BART station. Riders could disembark the BART train and walk a block or less to their workplace. Besides, these new businesses would be paying property tax for the land on which their building sits. Unfortunately, land used for expansive BART parking lots becomes a permanent "no money generator" for the City of Fremont.

2. Do not construct the Warm Springs Station at this time.

As of the construction completion date, I do not see a need for a Warm Springs Station, as most of the businesses located along the proposed BART Extension are adjacent to the Irvington Station (the Irvington District) and the South Warm Springs Station. Much of the land near the Warm Springs Station is still agricultural in nature, thereby negating the need for a station. I would still recommend that preliminary engineering be completed in anticipation of the need for a future Warm Springs Station.

P-4

T-23

P-5

3. Choose Design Option 3 through Central Park.

P-6 I prefer that an aerial alignment be chosen over a subway alignment through Central Park for mainly two reasons: cost and view. Why should the transit rider be relegated to looking at the dark walls of a tunnel for an added cost to the project of \$60 million? The view of Central Park from the aerial trackway will be spectacular. It should in no way detract from the activities that occur in the Park. (Incidentally, most activities in the park occur on the west side of Lake Elizabeth; only bikers and walkers will need to pass near the aerial structure when traveling on the east side of the lake). The view of the aerial trackway from the west side of Lake Elizabeth should be minimal under Option 3 (see Figure 3.8-6B in the Draft EIR).

Option 3 is superior to the other aerial options proposed due to the fact that Option 3 would completely avoid crossing Lake Elizabeth and the riparian forest area. These two benefits outweigh the 70 mph speed restriction of Option 3 over the other aerial alignments.

4. Construct an overpass at the tracks for vehicle traffic on Paseo Padre Parkway.

T-24 The construction of an aerial alignment for BART at this intersection would only allow for the BART trains to cross Paseo Padre Parkway. Vehicles will continue to stop for SP or UP freight trains. By constructing an overpass at this street, vehicle traffic would be unaffected by any train movements whether it be BART or freight.

5. Construct an aerial alignment opposite the Grimmer School.

SS-5 An aerial alignment near the Grimmer School provides for the safety accorded the schoolchildren while at the same time enhancing the view from the BART train (see Figure 3.8-8B in the Draft EIR). The at-grade alignment, which would construct walls at the outer edges of the BART tracks, would detract from the riders' view significantly while at the same time not increasing the safety factor (see Figure 3.8-8C in the Draft EIR).

6. Relocate the UPRR track to the west.

An enormous cost savings will result from relocating the UPRR track closer to the SPRR tracks. Many of the businesses, which are to be relocated due to lack of space for the BART alignment east of the UPRR right-of-way could (and should) be spared (see Figure 1, following pages). Keeping BART between the SPRR and the UPRR rights-of-way would require the Warm Springs and South Warm Springs Stations to be constructed below-ground, increasing the project cost significantly.

Instead of constructing the BART tracks east of the UPRR track as proposed, the UPRR track can be moved west, closer to the SPRR tracks (the average spacing center-to-center between the two SPRR tracks measures only 17 feet, thus the UPRR track can be relocated relatively close to the SPRR tracks). *This idea is definitely more feasible now, considering that the property occupied by **Truck Rail Services** at Warren Ave. is up for sale. This piece of land can then be used in the relocation of the UPRR tracks to the west.*

At the point where the BART aerial alignment crosses over the SPRR tracks just southeast of Central Park, the UPRR track would continue its path northeast along the original alignment just as if the track was not relocated.

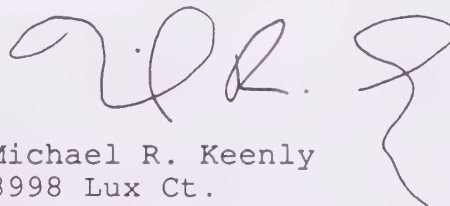
Since the UPRR and the SPRR tracks parallel each other for most of the length where the BART Extension is to be constructed, an agreement might be negotiated where the two railroad companies may even share the SPRR tracks. This would be possible considering that the UP has only a single track line and the SP has a double track line for this segment. The conflicts between SP and UP trains would be minimal considering the relative infrequency of freight operations.

Since consideration is being given to a BART extension south of the Alameda County line into the City of Milpitas, this issue of track conflict will most likely need to be addressed at some point in the future. A Milpitas BART Extension with cost effective above-ground stations would not be possible, due to the placement of relatively new housing developments directly east of the current UPRR right-of-way between Dixon Landing Rd. and Kato Rd.

PD-12

I hope you will examine seriously my comments before you produce the Final EIR for the BART Warm Springs Extension. I was so concerned about the issue of track alignments that I spent a Sunday riding my bicycle the full length of these tracks to examine the alignments in more detail. (Some of what I have mentioned in my 6th recommendation is already outlined as a "horizontal alignment design option" in the first paragraph on page 2-15 of the Draft EIR). Please don't hesitate to give me a call at work or home if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. R. Keenly', with a long, sweeping vertical line extending downwards from the end of the signature.

Michael R. Keenly
3998 Lux Ct.
San Jose, CA 95136

Work (408) 522-3352
Home (408) 266-8118

cc: Frank Maxwell, Santa Clara County Transportation Commissioner

Richard Stifel, Policy Analyst,
Santa Clara County Supervisor Dianne McKenna

Natalie Wells, Field Representative,
Santa Clara County Supervisor Rod Diridon

BUSINESSES EAST OF UPRR RIGHT-OF-WAY THAT WOULD BE PRESERVED
(IF UPRR TRACKS ARE RELOCATED WEST)

<u>Address</u>	<u># Businesses Displaced</u>
2878 Prune Ave.	8
2318 Warm Springs Court	1
2120 Warm Springs Court	1
2090 Warm Springs Court	1
2020-2040 Warm Springs Ct.	5
1501-1560 Fulton Pl.	9
980-1055 Mission Ct.	4
201 Fourier Ct.	1
255 Fourier Ct.	1
47621-47951 Westinghouse Dr	10
401 Whitney Place	1
420 Whitney Place	1
	43 businesses total

August 26, 1991

BY MESSENGER

Ms. Joan A. Kugler
Planning Project Manager
Bay Area Rapid Transit District
800 Madison Street - Lake Merritt Station
P.O. Box 12688
Oakland, CA 94604-2688

RE: Draft EIR, July 1991
Warm Springs Extension

Dear Ms. Kugler:

As you know, we are the developer of the Fremont Unified School District's Niles High School site. The Draft EIR shows the Warm Springs Extension tracks running over our property. The Draft EIR also identified a wetland relocation area on our property.

Please find enclosed photocopies of my letters to BART, dated June 27, 1990 and March 19, 1991. We are dismayed that BART has again made no attempt to address our project in the above referenced Draft EIR.

We have been in constant contact and consultation with BART staff since September 1988 in regards to our project. On May 14, 1991, we received final approval of EIR 89-79 from the Fremont City Council, as well as PD approval for the project. We plan on beginning construction of the project 1st quarter 1992.

Please address the following questions in your final EIR for the Warm Springs Extension:

- PD-13 ↓
- 1) Please show us on an engineered plan how much property you will take from us based on the track alignment shown in the Draft EIR.
 - 2) Please give us the area of the above described right of way taking in square feet.
 - 3) Please give us the elevations of the top of the rail and distance in feet from the top of rail to the existing earth grade, at 100 foot increments, for all route alternatives, both aerial and subterranean, discussed in the Draft EIR, between Walnut Avenue and Stevenson Boulevard.



RECEIVED

AUG 26 1991

BART & BATC engineers have told us that it is possible to build a retaining wall along the side of the earthen berm on which the tracks lie across our property. The retaining wall will reduce the amount of property you have to take from us for right of way.

- 4) Would you please produce an engineered plan with a retaining wall along the earthen berm on our property so as to reduce to the minimum amount the area of land you have to take from us for the right of way. PD-13
- 5) What volume of water retention replacement in cubic yards does BART have to provide to the Alameda County Flood Control District for the Warm Springs Extension? H-8
- 6) What is the area in square feet that BART has to provide for wetlands replacement?
- 7) What is the area in square feet that you have identified on our property as wetlands replacement? EC-11
- 8) What portion of the area you have identified on our site as wetlands replacement is for Flood Control District water retention replacement. What portion of the same area is for wetlands replacement.
- 9) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the north side of Walnut, on the BART parking lots, rather than disrupt our project and buy expensive high density multi-family housing land. H-9
- 10) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the undeveloped land surrounding it on the north side of Walnut.
- 11) We estimate that the cost of our land will be in excess of \$700,000 an acre by the time you buy it. Please perform an economic cost analysis comparing the expansion of the water retention pond on your land adjacent to the north tule pond versus buying our land. PD-14

PD-14

- 12) Please perform an economic cost analysis comparing the cost of constructing a retaining wall against the earthen berm on our property versus buying more land without the retaining wall.

Sincerely,

A handwritten signature in dark ink, appearing to read "Nick Podell", with a stylized, cursive script.

Nick Podell

NP:lk

enclosure

March 19, 1991

Ms. Theresa Dunn
Environmental Review Officer
BART
800 Madison Street
Oakland, Ca. 94607

RE: Notice of Preperation of Draft Environmental Impact Report
P91008-10/A
Warm Springs Extension

Dear Ms. Dunn:

In response to your letter, dated March 7th, 1991, please find enclosed a copy of my letter to Leo Rachal, dated 6/27/91, are our comments on BART's 1st Draft EIR for the above referenced project. I never received a response from BART for this letter.

We still want the questions raised in our 6/27/91 letter answered. Would you please see that they are addressed in the proposed new draft EIR.

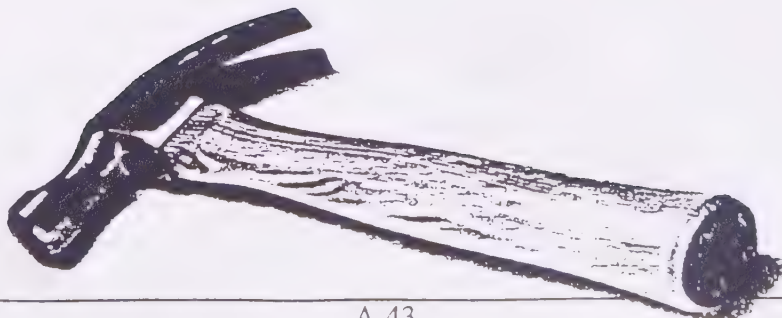
I am unable to attend the public scoping session on Wednesday the 20th. Would you please send me an agenda for that meeting as well as BART's minutes from the meeting.

If you have any questions, please do not hesitate to give me a call.

Sincerely,

Nick Podell

NFP:mk
Enclosure:



6/27/90

Mr. Leo Rachal
BART
212 9th Street
Oakland, Ca. 94607

Re: Draft EIR
Warm Springs Extension

Dear Mr. Rachal:

As you know, we are the developer of the Fremont Unified School District's Niles High School site. The Draft EIR shows the Warm Springs Extension tracks running over our property. The Draft EIR also identifies a wetland relocation area on our property.

- 1) Please show us on an engineered plan how much property you will take from us based on the track alignment shown in the Draft EIR.
- 2) Please give us the area of the above described right of way taking in square feet.
- 3) Please give us the elevations of the top of the rail and distance in feet from the top of rail to the existing earth grade, at 100 foot increments, for all route alternatives, both aerial and subterranean, discussed in the Draft EIR, between Walnut Ave. and Stevenson Blvd.

BART & BATC engineers have told us that it is possible to build a retaining wall along the side of the earthen berm on which the tracks lie across our property. The retaining wall will reduce the amount of property you have to take from us for right of way.

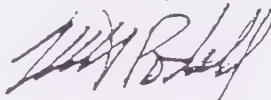
- 4) Would you please produce an engineered plan with a retaining wall along the earthen berm on our property so as to reduce to the minimum amount the area of land you have to take from us for the right of way.
- 5) What volume of water retention replacement in cubic yards does BART have to provide to the Alameda County Flood Control District for the Warm Springs Extension?
- 6) What is the area in sq. ft. that BART has to provide for Wetlands replacement?



Mr. Leo Rachal
Pg. 2
6/28/90

- 7) What is the area in square feet that you have identified on our property as wetlands replacement?
- 8) What portion of the area you have identified on our site as wetlands replacement is for Flood Control District water retention replacement. What portion of the same area is for wetlands replacement.
- 9) Why specifically in terms of hydraulic and general engineering can't Bart expand the large tule pond on the north side of Walnut, on the BART parking lots, rather than disrupt our project and buy expensive high density multifamily housing land.
- 10) Why specifically in terms of hydraulic and general engineering can't BART expand the large tule pond on the undeveloped land surrounding it on the north side of Walnut.
- 11) We estimate that the cost of our land will be in excess of \$700,000 an acre by the time you buy it. Please perform an economic cost analysis comparing the expansion of the water retention pond on your land adjacent to the north tule pond, vs. buying our land.
- 12) Please perform an economic cost analysis comparing the cost of constructing a retaining wall against the earthen berm on our property vs. buying more land without the retaining wall.

Sincerely,



Nick Podell

NFP:mk

Hand-Delivered

223 Donner Avenue
Livermore, CA 94550

August 26, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
PO Box 12688
Oakland, CA 94604-2688

Joan - 8-26
Bob Allen
says to use
this letter as
his formal
letter. -mh

Re WSX DEIR, July 1991

Attached are copies of letters I have written about the WSX DEIR.
In summary I request the following:

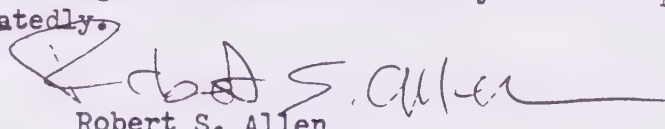
- OA-2 | 1. Central Park/Lake Elizabeth: Keep BART at grade (or in shallow cut) thru the park and on fill across the finger of Lake Elizabeth.
Use cost savings in part to reconfigure park.
BART line could divide active from passive uses.
Visual and sound impacts much less than with aerial structure.
BART ride much more enjoyable than with tracks in tunnel.
Existing finger of lake could become a silting pond/wetland.
- OA-3 | 2. Grade separate railroad grade crossings before or when BART comes.
Paseo Padre Parkway - build overpass or underpass.
Washington Blvd - build overpass. (Avoid major track changes.)
Blacow Road - add new overpass or underpass.
Warren Blvd. - separate per Caltrans plans.
Kato Road - stop BART to north until it is separated.
- OA-4 | 3. Keep BART west of the UP - between the railroads - at their grade.
Work with the railroads on compatible operations.
Design Warm Springs and South Warm Springs stations like Richmond.
- T-25 | 4. Plan a major intermodal station at Irvington with direct I-680 access.
Avoid traffic impacts of using city streets.
Provide quick, direct access for buses, carpools, and motorists using existing structure once planned for SR 238 freeway.
Consider parking tolls to help fund the facility.

Design concepts in the DEIR are grossly deficient and unduly costly. Using the railroad corridor makes sense, but not willy-nilly leapfrogging over railroad tracks, and not BART aerial structures over roads crossing adjacent railroad tracks at grade. I cannot understand the consultants' failure to consider a major Irvington intermodal facility when the potential has been brought forth repeatedly.

RECEIVED

AUG 26 1991

BART
EXTENSION PLANNING


Robert S. Allen

(415/510) 449-1387

A-46

223 Donner Avenue
Livermore, CA 94550

22 August 1991

Members of the
California Transportation Commission

Friends:

Re BART's WSX (Warm Springs Extension) DEIR, the attached article says that you objected on the grounds of technology and length - that you want BART to explore light rail and only two stations.

I also find the DEIR deficient, but on different grounds:

1. All of the proposed alignments unnecessarily leapfrog the two parallel railroads. They should stay west of the UP.
2. They ignore the potential of grade separating existing railroad grade crossings before or when BART comes. The cost savings are dramatic - not to mention the safety and environmental benefits. Putting BART on aerial structure over a street crossed by an adjacent railroad at grade makes any future grade separation prohibitively expensive.
3. The DEIR ignores the potential of a major intermodal terminal at Irvington fed by the existing interchange on I-680 built years ago for the now-dead Rt 238 freeway. Instead it shows traffic going from the freeway via city streets.
4. The DEIR should consider the low-cost alternative of integrating a line at grade (or in shallow cut) and across the finger of Lake Elizabeth on fill with a redesign of park uses in Fremont's Central Park. Such a line would allow de facto segregation of active from passive uses.

Over the years I have brought these concerns repeatedly before both BART staff and the consultant. They would save many megabucks and would yield a better project.

I would caution you about light rail in this corridor. Linking the largest city in northern California - one with oodles of jobs - with regional rapid transit by means of light rail would impel commuters to stay in their automobiles and continue to smog up the air. It would force a cumbersome transfer for transit riders and deny them the greater speed, safety, and convenience of rapid transit. Don't do it!

Very truly yours,

Robert S. Allen
BART Director, 1974-1988
(415/510) 449-1387

223 Donner Avenue
Livermore, CA 94550

30 July 1991

Members of the City Council
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Friends:

I strongly urge you to nominate the Dixon Landing Road grade crossing of the UP and SP tracks for separation. This project should be coordinated with a similar Kato Road crossing in Fremont. One of the crossings would probably be over and one under the railroads, cutting the costs by helping balance excavation and fill.

The work should be done before or when the proposed BART rail extension is complete to the county line, so that the BART line can share the common vertical alignment of the railroads. (Hopefully BART will stay west of the UP thru Fremont, rather than leapfrogging to the east side as present plans propose - and the leapfrogging back.)

Keeping BART at grade - rather than on aerial structure - past Dixon Landing Road and Kato Road will greatly reduce the cost. It would also lessen the noise and visual impacts of BART on an aerial structure.

Once BART is built on aerial structure over a road that crosses a parallel railroad at grade, that grade crossing is locked in place, probably never to be removed. Witness BART's Fremont line between Fruitvale and Hayward; the only new grade separation on the parallel railroad is at Hegenberger Road, where the road had to go over BART's aerial line. The dollar and environmental costs are prohibitive.

Separating Dixon Landing Road, of course, would yield the usual benefits of any grade separation: safety, better traffic flow, elimination of noise from trains and gates, etc.

Perhaps MTC could suggest some funding source to cover the local share - maybe a demonstration grant. Cost savings in extending BART would far exceed that share. Here is a project where everyone wins.

Very truly yours,

Robert S. Allen
449-1387

cc: City of Fremont
MTC
BART

223 Donner Avenue
Livermore, CA 94550

30 July 1991

Members of the City Council
City of Fremont
39700 Civic Center Drive
Fremont, CA 94538

Friends:

I strongly urge you to nominate the Kato Road grade crossing of the UP and SP tracks for separation. This project should be coordinated with a similar Dixon Landing Road crossing in Milpitas. One crossing would probably be over and one under the railroads - similar to the Durham and Grimmer separations of a few years ago. Costs can be cut by balancing excavation and fill.

The work should be done before or when the proposed BART rail extension is completed to the county line, so that the BART line can share the same vertical alignment as the railroads. (I would hope that BART stays west of the UP thru Fremont, even though the present plans show it leapfrogging to the east side.)

Keeping BART at grade - rather than on structure - past Kato Road and Dixon Landing Road will greatly reduce the cost. It would also lessen the noise and visual impacts if BART were built on an aerial structure.

Once BART is built on aerial structure over a road that crosses a parallel railroad at grade, that grade crossing is locked in place, probably never to be removed. Witness BART's Fremont line between Fruitvale and Hayward; the only grade separation on the parallel railroad is at Hegenberger Road, where the road had to go over BART's aerial line.

Separating Kato Road, of course, would have the usual benefits of any grade separation: safety, better traffic flow, elimination of noise from trains and gates, etc.

Perhaps MTC could suggest some funding source to cover the local share. Cost savings in extending BART should far exceed that share. This would be a project where everyone wins.

Another possible source would be a demonstration grant.

Very truly yours,

Robert S. Allen
449-1387

cc: City of Milpitas

A-49

D A T M

223 Donner Avenue
Livermore, CA 94550

18 July 1991

BART Board of Directors
800 Madison Street
Oakland, CA 94604-2688

Re: WSX DEIR July 1991

WSX design concepts presented in the DEIR are costly and would needlessly squander many megabucks. Practical, lower-cost alternatives are not considered, even though I have suggested them repeatedly:

1. Fremont Station thru Central Park:

Keep BART at grade (or in shallow cut) along proposed project horizontal alignment.

Modify elevation of Stevenson Blvd. to conform.

Modify park layout:

Use BART to divide active from passive uses.

Landscape BART and add berms if needed.

Put BART on fill across north cove of Lake Elizabeth:

Convert north cove to a silting pond/marsh/wetland.

Resculpt Lake Elizabeth as needed to retain water acreage.

Avoid both tunnels and aerial structures so far as possible.

Save the huge costs of each.

Present riders with a pleasing vista - not just tunnel walls.

Avoid the adverse visual impacts of aerial structures.

2. Railroads, general:

Explore joint operation on one railroad's line - probably UP.

This would be like joint Niles-Tracy operation on UP thru Niles Canyon, Sunol, ^{Pleasanton} Livermore, and over the Altamont.

Grade separate streets crossing (or to cross) the BART line:

Nominate them for CPUC grade separation priority list.

Request CPUC to factor in savings that would accrue in BART construction.

Keep railroads at existing grade. Put streets over or under.

Major streets to nominate:

Paseo Padre Parkway

Washington Blvd.

Blacow Road

Warren Avenue

Kato Road

Dixon Landing Road

Keep BART on a common grade with the railroads where possible.

Run BART between the railroads; don't leapfrog them unnecessarily.

3. I-680 access at Irvington:

Link I-680 directly with a major intermodal facility at Irvington.

Avoid use of surface streets for traffic to/from Milpitas and San Jose.

Use the existing separation built for the since-abandoned SR 238.

Speed I-680 buses directly to and from the bus loading area.

Consider a substantial parking fee in structure for non-carpool autos using the direct I-680 access.

T-26

4. Again, keep the railroads at their existing grades in Irvington, and put Washington Blvd. over the tracks.

OA-7

Aside from these main points, I note a few points that need revision:

P. 2-35: 2nd par., last sentence, change to read:

"...would allow 2.25-minute spacings transbay."

Last par., fourth line:

Isn't board policy to have maximum cruise speeds of 70 mph?

PD-15

P. 2-36: Last par., 9th line:

Rt 180 headways are about 15 minutes during commute hours and 30 minutes during the day. (Admittedly they should be every 15 minutes during the day, timed for good connections with BART trains. They should also be direct.)

PD-16

P. 3.11-1: Footnote 1 does not distinguish between vehicle-miles and passenger-miles. It should do so.

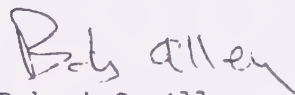
SS-6

P. 3.13-20: The "Transit System Noise Characteristics" box could well include a comment about curve noise, e.g., gauge squeel, tread slip.

N-5

I respectfully request that the Board demand evaluation in the EIR of items 1-4 above, and that you not be satisfied with the report as presented to you. These suggestions are practical and could save tens of millions of dollars, yet yield a better project.

Very truly yours,



Robert S. Allen

(415) 449-1387



August 23, 1991

Ms. Joan Kugler
BART Extension Planning
P. O. Box 12688
Oakland, CA 94604

RE: WARM SPRINGS EXTENSION - DEIR

Dear Ms. Kugler:

The Irvington Business Association strongly supports the proposed BART extension; however, we have the following environmental concerns:

- GEN-4
1. Lake Elizabeth Central Park Area. We do not agree with an aerial route through central park. The noise and visual impacts an aerial alignment would bring to the park and surrounding residential areas cannot be mitigated satisfactorily and as stated in the DEIR, would cause significant unavoidable adverse visual and noise impacts.
 2. Irvington Station. The Irvington Station is an extremely valuable link for the transportation needs of the surrounding residential areas. This station will mitigate current and future vehicular impacts by improving the intersections at Osgood, Driscoll and Washington Blvd.
- P-7

T-27

Most importantly, we believe the Irvington Station will become an excellent multi-modal transportation hub. AC Transit has plans to operate a transit center at the station site. The State of California and the Federal Highway System has completed an interstate off ramp for the abandoned I238/680 interchange project. This existing interstate connection is within 1/4 mile of the Irvington Station's planned parking area.

The numerous environmental benefits to the City of Fremont, i.e., street traffic, noise, air pollution, etc., warrant full investigation of this transportation opportunity.

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AUG 26 1991

P.O. Box 1631 Fremont, CA. 94538

BART
EXTENSION PLANNING

Ms. Joan Kugler
August 23, 1991
Page Two

This concept was discussed at prior BART community meetings; however, it is not mentioned in the DEIR.

T-27

3. BART Extension Aerial Route. We cannot support an aerial route from the Central Park area to the Irvington Station and beyond. The same significant unavoidable impacts occur as with the park. A depressed route is the best solution and will mitigate the noise, visual, traffic and related environmental impacts to an acceptable level.


P-8

We are willing to meet with any and all BART representatives to discuss these issues.

Sincerely,

IRVINGTON BUSINESS ASSOCIATION

By



William Pease, President

Larry Milnes

August 24, 1991

Joan Kugler
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2668

Re: BART Warm Springs Extension DRAFT Environmental Impact Report

The following comments apply to the referenced report. You are requested to include these comments in the FINAL Environmental Impact Report and to address the issues raised in this letter therein.

CP-22 | AERIAL CONSTRUCTION AT CENTRAL PARK. The DRAFT Environmental Impact Report does not address the adverse impact an aerial structure over Lake Elizabeth would have on sail boating. The San Francisco Bay Bridge causes areas of absolute calm to exist beneath the bridge wherein sailboats become literally "dead in the water". The trees on the island in Lake Elizabeth have the same tendency. Construction of an aerial bridge over Lake Elizabeth can be expected to act in a similar fashion, substantially reducing the recreational value of the portion of the lake northeasterly thereof.

PD-17 | UNDERGROUND CONSTRUCTION AT CENTRAL PARK. The DRAFT Environmental Impact Report indicates the height of the culvert top as it crosses Lake Elizabeth would be at elevation of 48 feet. This would be approximately equivalent to the wintertime water surface elevation of the lake. An elevation of 48 feet for the top of the culvert would effectively preclude boating use of the eastern end of Lake Elizabeth. The top of the culvert should be no higher than 44 feet, as it passes under the lake, in order for this end of the lake to continue to function as it does now.

PD-18 | One approach not discussed in the DRAFT Environmental Impact Report (in connection with the construction of a culvert for BART through the active portion of Central Park) is to fill-in the portion of the lake northeasterly of the BART crossing. To do so would reduce the water surface area of this 80+ acre lake by some ten (10) acres. Benefits to all parties could result:

1. BART would experience lower construction costs by virtue of not having to construct the culvert lower.
 - A. There would be less excavation and backfill required; and
 - B. The extent to which ground water would be encountered during construction would be lessened.
2. The culvert could be constructed in an open trench type of construction, at least cost and least construction disturbance to the lake.
3. The risk of penetrating the clay layer over the Niles Cone gravel beds below the park would be lessened.
4. BART could utilize the portion of the lake to be abandoned for disposal of excavated soil from other project locations (so long as the material was of suitable quality for park use).
5. The City would have more usable land for park development.

RECEIVED

AUG 26 1991

BART attn Joan Kugler re BART Warm Springs Extension EIR

Such a plan would obviously have to be considered by the City's Recreation Commission and the City Council before it could be implemented. It should nonetheless be examined as a part of this environmental document in the event this approach should evolve as a project component to the benefit of and suitable to the various parties.

Sincerely,



Larry Milnes

1585 Valdez Way
Fremont, CA 94539-3660
August 22, 1991

Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler,

Our residence is located at 1585 Valdez Way, Fremont. The latest BART environmental study of the Warm Springs Extension presents more detrimental and degradation of Central Park and especially our neighborhoods (Valdez Way, Vacca and Valero). This study raises too many questions and too few answers.

Prior to purchasing our home in 1977 we checked Fremont's City Hall records to see if there would be any future problems regarding developments of building around the property. There was no mention of any BART's extension. BART was already established in Fremont.

N-6 | BART's proposed 2A Aerial or 3 Aerial are completely **unacceptable**. These alignments could exceed the Federal noise Standards. Having BART passing our home constantly from early morning till midnight (perhaps extended hours in the future) will impose on our privacy with people looking in our house and yard. Our kitchen, den and master bedroom have large sliding doors and windows facing these aerial routes. To protect our privacy we would have to live with drawn drapes 24 hours a day, which is not **tolerable** or **acceptable**. The noise, vibration, and visual pollution, and other endangering safety factors, also make proposal 2A and 3 **unacceptable**.

T-28 | BART's Warm Springs Extension will only serve a select population especially those who live outside Fremont. It seem Santa Clara County is not interested in BART. Their preference is for a light rail system. Four stations in Fremont with parking will only encourage non-tax supporting commuters to drive over our already over loaded streets. All that these BART stations will accomplish is transfer the traffic from the surrounding freeways onto our city streets. Fremont will then have additional SMOG, noise pollution and traffic problems. Why should Fremont be burdened, suffer more degradation, expenses and property devaluation?

RECEIVED


AUG 26 1991

If we are forced to accept BART's Warm Springs Extension the alignment Option #1 (subway) is the only one that is the least detrimental to us and the neighborhood.

P-9

ONLY OPTION #1 (SUBWAY) or NONE.

Respectfully,


James P. Kliment


Helen L. Kliment

cc: Erlene Demarcus, President of Board of Directors BART.
John Glenn, Board Director BART.
Mayor Ball, Fremont
Members of Fremont City Council -
Mello, Dutra, Loisel, Roessler
Kunli Odumodi - City of Fremont Assistant Engineer
of BART project.

PENNSYLVANIA 3443 HOMEOWNERS ASSOCIATION

c/o William W. Schriever, Secretary
3455 Pennsylvania Common
Fremont, CA 94536
415-793-6328

August 23, 1991

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

I attended the public hearing on the Draft EIR held on Monday, August 12, and spoke briefly concerning some seismic considerations. In particular, I quoted the following paragraph from page 3.2-28 of the Draft EIR:

"The subway portions of Design Options 1 and 2S do not cross the fault trace. Since fault rupture is restricted to areas along the fault, there is no potential for fault rupture impact on the subway structure."

I argued that contrary to the assumptions of the Alquist-Priolo Special Studies Zones Act, there is a real possibility that the fault rupture might be drawn to the long, deep cut containing the subway structure since it would be adjacent to and roughly parallel with the existing fault trace. Similarly, the fault rupture might be drawn to the Irvington station since the building and the tracks are to be placed in a deep cut that intersects the existing trace of the Hayward Fault just outside the station.

I also made reference to the following paragraph from page 3.2-33 of the Draft EIR:

"The subway structure proposed in Design Options 1 and 2S could also be adversely affected by strong groundshaking and liquefaction. Differential settlement along the tunnel in response to liquefaction or tectonic settlement could result in significant trackway deflections or displacements. Such effects could impact train operation. Cracking of the subway structure could cause significant groundwater seepage into the subway tunnel."

My comment was that to describe the leakage of water into the tunnel as "groundwater seepage" was a gross understatement of the risk to be expected. In fact, given the relatively unlimited supply of water in Lake Elizabeth, the tunnel could easily be flooded by water flowing through a crack in the subway structure. My point is that there is a significant probability that the passengers on a train trapped in the tunnel during a severe earthquake could be drowned whether or not the fault rupture actually crosses the subway structure.

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Next I made reference to the calculation presented in the following two paragraphs from pages 3.2-29 and 3.2-30 of the Draft EIR:

"The seismic design criteria and emergency procedures would not reduce the potential impacts of surface rupture where the tracks cross the fault traces to an insignificant level. The maximum expected horizontal displacement of ten feet would likely cause significant displacement of the tracks. Displacement of the tracks could result in derailment of passing trains causing risks of personal injury and damage to equipment.

The probability of such an event is the combined probability of a rupture event and passage of a train over the ruptured section of track. The probability of a magnitude 7.0 earthquake (considered capable of causing fault rupture at the ground surface) on the southern East Bay segment within the period 1990 to 2020 is estimated to be 0.23. The probability of a train passing any of the three identified alignment crossings of the HFZ is a function of trip frequency, train length and train speed. Assuming 84,280 trips per year, an average train length of 5 cars (350 ft.) and a train speed of 38 miles per hour, the probability of a train passing across three fault zones with assumed width of 200 feet is estimated to be 0.08. The combined probability of an earthquake event occurring while a train is within the fault zone is approximately 0.02, or a 1-in-50 chance."

G-10

As I pointed out at the hearing, this analysis ignores the fact that the train is moving and therefore may cross a fault zone at any time after fault rupture occurs until the train has been brought to a stop.

First consider the calculation of the probability of finding some portion of the train within a fault zone at the time the earthquake occurs based on the assumptions made in the Draft EIR. A train 350 feet in length traveling at 38 miles per hour or 55.7 feet per second will have some portion of the train within a fault zone 200 feet in width for

$$(350 + 200) / 55.7 = 9.87 \text{ seconds.}$$

Given 84,280 trips per year across 3 similar fault zones the probability of finding some portion of a train within any fault zone would be

$$(9.87 \times 84,280 \times 3) / 31,536,000 = 0.079$$

where 31,536,000 is the number of seconds in a year. In my opinion the analysis should end at this point since, sooner or later, such an earthquake is virtually certain to occur. But to continue with the analysis as presented in the Draft EIR, assuming the probability of such an earthquake is 0.23 then the combined probability is

$$0.079 \times 0.23 = 0.018$$

or approximately 1-in-50.

Now consider the calculation of the probability of the train entering the fault zone after the earthquake has occurred. Assume that the train is traveling at 38 miles per hour or 55.7 feet per second, that the brakes are applied immediately after the earthquake is detected and that braking occurs at the rate of 0.1 times the gravitational acceleration of 32.2 feet per second per second then the train will travel for

$$55.7 / (0.1 \times 32.2) = 17.3 \text{ seconds}$$

before coming to a stop. Repeating the calculation presented above with 17.3 seconds substituted for 9.87 seconds, the probability of the train entering any fault zone after the earthquake occurs is 0.139. Thus the probability of a train being caught in the process of crossing any one of the three fault zones when the earthquake occurs is

$$0.079 + 0.139 = 0.218$$

or approximately 1-in-5.

Suppose that Design Option 1 is adopted and the tracks are placed in a subway structure through Central Park. A similar calculation can be used to estimate the probability of a train being caught in the tunnel under Lake Elizabeth when the earthquake occurs. According to the description on page 2-11 of the Draft EIR, "BART would be in a subway structure for an additional 1.5 miles of its length." Assuming the trains are traveling through the tunnel at 38 miles per hour or 55.7 feet per second and that the tunnel is 1.5 miles or 7920 feet in length, the trains will spend

$$7920 / 55.7 = 142 \text{ seconds}$$

of each trip in the tunnel. Assuming 84,280 trips per year, the probability of catching a train in the tunnel when the earthquake occurs is

$$(142 \times 84,280) / 31,536,000 = 0.38$$

or approximately 1-in-3.

Finally, the probability of a train being severely impacted by the earthquake (being caught in the process of crossing any one of the three fault zones or traveling through the tunnel under Lake Elizabeth) is

$$0.218 + 0.38 = 0.60$$

or approximately 1-in-2. Should the earthquake occur during rush hour, it is virtually certain that at least one train would be severely impacted.

In conclusion, this analysis indicates the Draft EIR is in error by an order of magnitude when it suggests that the probability is only 1-in-50 that a train would be severely impacted by the fault rupture. Furthermore, the operation procedure "that all trains proceed in manual operation at a maximum speed of 25 miles per hour to the nearest station" recommended on page 3.2-29 of the Draft EIR cannot possibly have any mitigating effect. Were it implemented without regard to track conditions, the probability that a train would be severely impacted would increase to a virtual certainty.

At the first two public meetings I spoke out against the concept of running the BART tracks in a tunnel underneath Lake Elizabeth. My hope was that I might awaken some opposition to the tunnel being promoted by the Fremont City Council based on one or more of the following considerations:

1. A tunnel under Lake Elizabeth would be extremely vulnerable to damage from a major earthquake on the Hayward Fault. A crack in the tunnel could cause a train to be trapped within the tunnel and, at the same time, allow water from Lake Elizabeth to flood the tunnel so that all of the passengers on the train might be drowned.
2. Building a tunnel under Lake Elizabeth would increase the cost of the Warm Springs Extension by something like \$50 million dollars (now estimated at \$60 million dollars, see page S-3 of the Draft EIR). Considering how desperately such funds are needed for improvements to our schools, for example, spending this money on a tunnel would be an incredible waste of the community's limited resources.
3. The visual impact on the passengers of replacing a view of Lake Elizabeth with a view of the dirty wall of a tunnel such as we now experience when riding BART into the West Oakland station would be much more objectionable to many more people than any aesthetic loss that might occur if the BART tracks were carried on an aerial structure over Central Park.

G-11

At this point I sense that the tide has turned. The proponents of a tunnel have been quieted and several opponents stood up at the last public hearing to express their concerns. In this regard, I hope the BART Board won't take the machinations of the Fremont City Council seriously.

Assuming that the decision is to have the BART tracks cross Central Park on an aerial structure, I would favor shifting the alignment toward the center of Lake Elizabeth and increasing the height and span of the aerial structure sufficiently to allow boats to sail underneath. Removing the structure from the eastern shoreline of the lake would greatly improve the view and the access to the shoreline for those walking along that shoreline. It would reduce the loss of playground area north of the lake to a very minimum. And finally, the increased height and the graceful arch of such an aerial structure would provide an attractive focus for the view of the lake from the the western shoreline. I have never heard anyone complain that the Golden Gate Bridge spoils the view of the Bay from the shoreline in either San Francisco or Oakland. Why not build an aesthetically pleasing structure that will enhance the view across Lake Elizabeth?

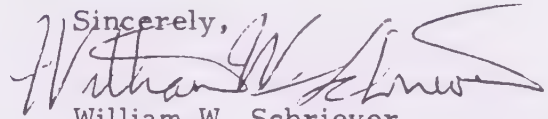
OA-8

I understand the desire of the Irvington businessmen to have this project include an Irvington station, but it seems to me that the site chosen for this station is just not practical. In the first place the traffic along Washington Boulevard is already congested and adding an Irvington station there would simply increase this congestion. Secondly, the proposed design of the station requires placing the BART tracks together with both railroad tracks in a wide cut in order to cross under Washington Boulevard. Relocating the railroad tracks would add significantly to the cost of the project without providing any benefit to the community. Also, officials of the railroads have already expressed strong opposition to this plan. And finally, as I have already

OA-9

mentioned, the Irvington station would be located within a few hundred feet of the existing trace of the Hayward Fault. Assuming that there is a real desire to include an Irvington station in the project, I would favor moving the station toward the south to a point that would allow the railroad tracks to remain at grade. In general, I favor building the BART tracks at or above grade whenever possible since that improves the view for the passengers.

I hope the members of the BART Board will keep the best interest of the public as a whole paramount in their minds during the process of adopting the plans for this Warm Springs Extension. In my view, the first consideration should be the safety of the passengers. Placing the BART tracks in a tunnel under Lake Elizabeth exposes the passengers to a significant risk of being drowned following a major earthquake on the Hayward Fault. The second consideration should be the cost of the project in relation to the benefits to be realized by the public as a whole. Placing the BART tracks in a tunnel under Lake Elizabeth would be extremely expensive and the public as a whole would receive no benefit in exchange for paying the bill. The third consideration should be the aesthetic benefits for the public as a whole. Placing the BART tracks in a tunnel under Lake Elizabeth would block the view of Central Park for the passengers and thus for the public as a whole. **There is simply no justification for the BART Board to spend \$60 million dollars to place the BART tracks in a tunnel under Lake Elizabeth.**

Sincerely,

William W. Schriever
Secretary

MISSION SAN JOSE CHAMBER OF COMMERCE
P.O. Box 3396
Mission San Jose, California 94539

August 23, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning-MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Re: Mission San Jose Chamber of Commerce Response to Draft
Environmental Impact Report
Warm Springs Extension

Dear Ms. Kugler:

The Mission San Jose Chamber of Commerce would like to take this opportunity to voice its firm support for the proposed BART Warm Springs Extension. The Warm Springs Extension will preserve and enhance the quality of life for Southern Alameda County residents by serving to mitigate the environment impacts (traffic congestion, noise and air-pollution) caused by the contiuing growth of the region.

We agree with Draft E.I.R. with the following exceptions:

- | | |
|---|------|
| 1. The extension should pass under Lake Elizabeth to preserve its beauty as a community resource. | P-10 |
| 2. We support each of the three stations planned in the proposed project. All three stations are vital to the community and will decrease the environmental impact of vehicular pollution. | P-11 |
| 3. The Mission San Jose Chamber of Commerce would like to see the BART Extension depressed as it transverses the Irvington area. This revitalized business district would be adversely affected by a raised line. | P-12 |

The Mission San Jose Chamber of Commerce supports the efforts of BART directors, BART staff, and its external consultants in developing the Draft Environmental Impact Report. We encourage the prompt development of the Warm Springs Extension as outlined above.

Sincerely,



Dr. Drew Kohler
Vice President
Mission San Jose Chamber of Commerce

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BART
EXTENSION PLANNING

August 26, 1991

Ms. Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Subject: Draft Environmental Impact Report for Warm Springs Extension
Project

We appreciate the opportunity to review the subject report. The proposed project brings BART to the threshold of entering the County of Santa Clara. Not only will the BART District residents benefit from the additional transit service but the project encourages transit ridership in lieu of automobile ridership thereby taking an important step toward meeting our Bay Area environmental goals. Residents of Santa Clara County will certainly benefit from the project as riders going north as well as BART District residents who commute to the Santa Clara County area.

As you are aware MTC and the SCCTD have recently completed the Tasman Corridor AA/DEIS study document and have selected as a locally preferred alternative light rail service from Mountain View to Interstate Route 680/Hostetter Road in San Jose. The current schedule calls for light rail service in this corridor in late 1996 or early 1997. In addition the Santa Clara County BART Extension Alignment Alternatives Feasibility Study is proceeding and is scheduled for completion in early 1992. We look forward to the time when BART and the Tasman Corridor project could be directly linked. Ridership on both systems would certainly be increased as a result of a very significant improvement in overall transit service.

In the meantime we look forward to working with BART in coordinating bus service (DEIR page 2-36): "It has been assumed that the three SCCTD bus routes now serving the Fremont Station would relocate to the end station for each of the proposed project alternatives."

As stated previously we prefer those alternatives that extend BART service from the current BART Fremont terminus station to the future South Warm Springs station, further extended by tail tracks to the County line. These alternatives are Alternatives 6, 7, 8, 10 and 11.

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Page Two
August 26, 1991
BART Warm Springs

Again, thank you for the opportunity to comment on this important report. We look forward to working cooperatively on this project and other projects that we will undoubtedly share in the future.

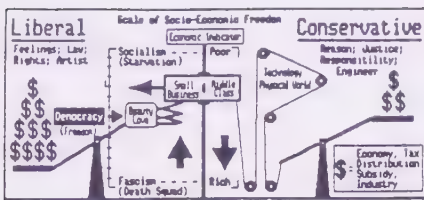
Sincerely,



Rollo Parsons, Manager
Project Development

RP:dmr

cc: Board of Supervisors
Larry Reuter
Lou Montini
Jim Pierson
Jim Lightbody
Mike Aro



Small Business Development Corporation

956 Sacramento Street, #305
San Francisco, Calif. 94108
(415) 362-2250 Bus / (415) 433-7497 Res.



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**BART
EXTENSION PLANNING**

Re: Public Comment on BART Warm Springs Extension Plan Draft EIR of July, 1991

Dear Ms. Kugler:

Please include and address both the following comments and the issues, facts and alternative land use and transportation proposals raised in the referenced documents in both the "Comments and Responses" section of the Draft EIR and the Final EIR. (Note: Quoted EIR text printed in *italics*.)

GENERAL COMMENTS

OVERVIEW

During the course of the past five and a half years I have participated in numerous EIR and EIS studies performed at the local and regional level. I have also participated in San Francisco's Housing Element of the Master Plan process. My involvement has resulted in my seriously questioning both the data and the conclusions reached by local and regional governmental agencies. I have seen the data change from page to page in a given report, subsequent updates significantly change previous reports, and conclusions that do not include the financial, socio-economic and density impacts of projects that have been certified for construction by local officials.

I could write a book on this subject, but suffice it here to state that in summary, "it is my view that ABAG develops reports that essentially justify large-scale, high-density development projects and MTC (and BART) develop the transit system extensions necessary to transport people from where they can afford to live to where they work."

Unfortunately, MUNI Metro's, MTC's and BART's proposed transit extensions are inefficient (Metro), expensive (BART), and generally obsolete about the time they are completed (all?) - or they provide substantially greater capacity than required (BART).

In sum, ABAG, MTC and BART use one another's data in their planning activities, and thus, white elephants are set in concrete." If anybody wishes to question this statement, I refer you to the referenced reports that I have prepared and delivered to local and regional officials - reports whose listing of fact and fatal flaws have been substantiated by San Francisco's Planning Department, but wholly ignored by elected officials and deleted from EIR reports.

CONFLICT OF INTEREST

It is my position that having BART officials be the Lead Agency in the development of this EIR constitutes a conflict of interest in the building of a expanded empire, which would at a minimum, for example "indicate justification for higher incomes for senior executives who operate a \$2.2 billion dollar operation."

More specifically, only BART alternatives are presented in this EIR. All other NON-BART alternatives have been subject to censure, and thereby unavailable for public comment. (See Small Business Development Corporation's Proposed Alternative 12 below.

LINK OF BAAQMD TO MTC/BART

The BAAQMD's Clean Air Plan is inextricably linked to MTC/BART's 20-year Regional Transportation Plan because of the latter's definition of future land use and transportation plans. BAAQMD's plans for draconian and very expensive Transportation Control Measures (TCMs) in order to address the environmental problems created by ABAG/MTC/BART only exacerbates the situation.

Certification and implementation of the policies and projects defined by ABAG, the MTC, BART and BAAQMD will have substantial socio-economic impact upon the future of the Bay Area for well into the 21st Century. For example page 16.8 of MTC's RTP EIR states:

"The [MTC's 20-year Transportation Plans] would require an irreversible commitment of financial resources to the development of the [Transportation] elements . . . the [MTC's 20-year Transportation Plans] would require an irreversible commitment to satisfying [transportation] needs primarily through automobile accessibility."

In short, the projects defined in MTC's 20-year RTP establishes that Bay Area transportation requirements are programmed to be "solved" with an expected increase in the use and density of automobiles in already high traffic areas - and once the Project is underway, it is irreversible.

What happened to the "transit first" policy and the strict requirements codified in the Clean Air Act? MTC's RTP is fatally flawed. BAAQMD's EIR is also fatally flawed. In not this EIR fatally flawed because it is an element of the MTC 20-year plan plus the fact that it fails to present NON-BART alternatives?

TRANSPORTATION CONTROL MEASURES

Under the BAAQMD's Clean Air Plan (Socio-Economic Report) of July, 1991 [quote]:

- *Employer-based trip reduction programs are estimated to cost LOCAL BUSINESSES \$150 MILLION PER YEAR to implement [How much to operate?].*
- *Mobility improvements are estimated to cost LOCAL BUSINESSES about \$26.3 MILLION PER YEAR when the improvements are complete [How much to get them 'completed'?].*
- *The cost of construction for the transit improvement is not presented in the EIR, but according to my figures the transit element alone is about \$8 BILLION.*
- *Market-based fees are estimate to reach \$332 MILLION PER YEAR.*

The cost to employees and the public are ADDITIONAL DOLLARS:

- *Employer-based trip reduction programs are estimated to cost employees about \$1.46 BILLION ANNUALLY.*
- *Mobility improvements for "the public share of travel benefits" are estimated to cost \$266.3 MILLION PER YEAR and the public costs of "revenue measures" are estimated at \$203.6 MILLION ANNUALLY.*
- *The market-based measures would levy a substantial cost estimated at \$3 BILLION ANNUALLY to the public.*

IN SUM, THE COSTS ARE IN THE BILLIONS AND THE "BENEFITS" ARE GENERALLY "ASSUMED" TO BE RECEIVED AND ENJOYED BY THE TAXPAYER. The facts and considerations presented in this EIR do not substantiate these assumptions.

Moreover, this EIR does not point out that ONLY ABOUT ONE FOURTH OF THE TRANSIT BOARDINGS ARE FOR WORK-RELATED TRIPS AND ONLY ABOUT ANOTHER ONE FOURTH OF THE TRANSIT BOARDINGS ARE FOR BUSINESS TO BUSINESS TRIPS!

AND ON TOP OF THIS BOTH ELECTED OFFICIALS AND TRANSPORTATION OFFI-

CIALS KNOW THAT THE PERCENTAGE OF TRANSIT RIDERSHIP IS GOING DOWN WHILE AUTO USE IS GOING UP. AND, INCREDIBLY, THE MITIGATION MEASURES (TCM'S) AND PENALTIES ARE KEYED TO AUTO USE!

DENSITY

Few people know that THE key factor which defines the "quality of life" is the density of human beings per acre. I have calculated that San Francisco's residents per acre is about 23.4 (and rising to 24.6 by year 2000) and the rest of the Bay Area communities are in the 1.9 to 2.1 range (and rising to 2.3 in year 2000). Review of Bay Area's development plans indicate that planned development projects are in or directly adjacent to already high-density areas.

In my view "we" must stop building high-density office space in one area and high-density housing in another. The ONLY solution, expressed in terms of cost regarding transit, air, water quality, crime, etc., is that at least a one-to-one ratio of SKILLED JOBS to HOUSING UNITS MUST BE CONSTRUCTED WITHIN OR DIRECTLY ADJACENT TO EACH OTHER. ANY OTHER PLAN IS INSANITY.

I know that local elected officials and the members of ABAG, MTC, BART, etc., will list a thousand reasons why a one-for-one job/housing ratio cannot be done in "their jurisdiction."

Nevertheless, the problem lies in the fact that IT IS THESE SAME ELECTED OFFICIALS WHO HAVE CREATED THE PROBLEM of an unbalanced housing to job ratio. More importantly, their solution for resolving it is huge transit extensions costing billions of dollars.

THERE IS A SERIOUS PROBLEM WITH THEIR TRANSIT PLANS TOO: EVERYBODY BUT THE TAXPAYER KNOWS THAT THE PERCENTAGE OF TRANSIT USE WILL DECLINE IN THE YEARS TO COME, WHILE AUTO USE INCREASES, AND IN SOME AREAS, SUBSTANTIALLY SO.

THE UNDERLYING REASON FOR THE "NON-CONNECTED" DEVELOPMENT PLANS AND THE MASSIVE TRANSIT EXTENSIONS IS THAT DEVELOPERS GET THE FINANCIAL REWARDS OF THE DEVELOPMENT PLANS AND THE POLITICIANS GET THE VOTES ASSOCIATED WITH THE EMPLOYEES HIRED BY THE TRANSIT OPERATOR. UNFORTUNATELY, THE TAXPAYERS GET STUCK FOR PAYING FOR BOTH.

THE MERE EXISTENCE OF RENT CONTROL, RENT SUBSIDIES, TRANSPORTATION SALES TAX INCREASES AND OTHER RELATED GOVERNMENTAL PROGRAMS PROVES THE POINT - AND ITS GOING TO GET WORSE, MUCH WORSE, IF THINGS ARE NOT FIRST STOPPED, ADDRESSED IN THE LIGHT OF DAY, AND THEN CORRECTED.

UNDERLYING POLITICAL AGENDA

The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC), in consensus with senior elected officials representing Bay Area cities have developed population projections and extensive land use and transportation plans for the Bay Area. **The process by which these activities have been achieved are contrary to law and thus the content of subject EIR as well as related previous EIRs must be redone and reissued for public comment.**

- The plans, projects, and projections developed by the above entities are based solely on political expediency, and NOT technical, environmental or socio-economic reality.
- The membership of these entities consist of entrenched elected officials who act only to guarantee their own future, Not the future of the people who pay their wages.
- Due Process has been reduced to a process where political consensus within these entities is achieved by creating or expanding bureaucratic departments and agencies whose procedures are designed to usurp, bury or obfuscate the content of public testimony while at

the same time reducing public participation to zero. This goal is achieved by frustrating, wearing down or otherwise exhausting the time and limited resources of the individual participants during a gauntlet of public hearings. The physical means of this process include studies, taskforces, Environmental Impact Reports, Citizen Advisory Committees, commissions, et al. Meaningful public comment is precluded by a policy where approximately three minutes is allotted to each speaker. However, individuals are allowed to make lengthy presentations if they speak or present testimony in support of the project. **And finally, there exists no "enforcement" division within government to compel local agencies to follow the law and thus comments and alternatives presented by the public falls onto deaf ears and subsequently ignored with no legal recourse or penalty.**

- Upon achieving political consensus, the entrenched officials proceed to adopt a resolution or other formal "certification" document with an appropriate level of news coverage performed after the fact. This is followed by waiting for the expiration of judication dates. Finally, they go on about the business of implementing their (or a joint-venture partner's) large-scale plans and projects that are designed to transfer enormous public resources and tax money to the benefit of selected private entities in exchange for social-service, regulations enforcement, environmental or other related programs that carry the force of law because they were created by legislative act, adjudication, ordinance, or decree at the local, regional, state or federal level. The public and private employees created by the projects and the related programs, in turn, consistently vote to keep the entrenched elected officials in office in order to ensure continuance of their jobs.
- This process is not Capitalism or American Due Process. This process is recognized throughout the world as Socialism, Communism, or the practices of corrupt third world regimes. Employing this process is contrary to law and the Oath of Office sworn by every elected public official prior to taking office.

A more useful approach within the tenet of American Democracy would be the placing of the tasks and decisions that lie before us into the light of day and restore Constitutional Due Process. It is going to take a kind of "marriage" between Small Business, Big Business and local Government to ensure the health and well-being of the Bay Area. The success of our region depends on this marriage, and planning for the "wedding" must start immediately.

GOVERNMENTAL INTERVENTION

The large-scale transportation and land use projects developed under the above process by ABAG and the MTC in consensus with the elected officials in cities within the nine Bay Area counties are known to be in conflict with the BAAQMD's environmental regulations.

It is my position that the members of ABAG, the MTC and others have acted to merge ABAG, MTC and BAAQMD into a "regional" superagency called the "Bay Vision 2020 Commission" in order to circumvent BAAQMD's and other environmental regulations.

Moreover, it is my position that the political intent underlying the formation of the new Commission is clear and implementing "Regional Government" is not the answer.

BAY VISION 2020 COMMISSION: Careful review of the Bay Vision 2020 proposal discloses that both its members and supporters promote high-density commercial and housing development of industrial space and "exotic" transportation systems to support the "forced" movement of commuters from where they live to where they work. Furthermore, the Bay Vision 2020 proposal is merely a **political** means for preventing the derailment of ABAG's and MTC's high-density development plans by absorbing the legal power being exercised by the Bay Area Air Quality Board. In other words **Creating the Bay Vision 2020 commission will relegate the project review and legal enforcement capacity of the BAAQMD to being merely a departmental function and thus, the environmental difficulties with the proposed plans and projects can be put off, ignored or otherwise suppressed by the executive committee of the Bay Vision 2020 Commission.**

SENATOR BOATWRIGHT: It is important to note that Senator Boatright's bill establishing the creation of County Transportation Authorities and the ability to impose county Sales Tax

increases essentially removes the Regional Planning responsibilities from the purview of the MTC. Furthermore, this bill allows local agencies to both develop and fund projects outside of the purview of the MTC. My "*Presentation of SBDC Alternatives to Embarcadero Plaza Citizen Advisory Committee*," report demonstrates just how far out of line an un-audited local agency can travel in its quest for power and incumbency.

BART AND MTC JOINT EXERCISE OF POWERS AGREEMENT: "... authorizes the parties to create the San Francisco Bay Area Transit Financing Authority ... to have the power to issue bonds ... and may direct Net Toll Revenues, and additional sources for payment of bonds ... for financing "approved" public capital improvements or projects ... for BART, and other projects defined by Resolution 1876 (see above)." In my view BART and MTC are essentially establishing a "bank" to serve one "customer" who has the "authority" to write and approve their own "checks."

I'm speechless. This is practically a licence to steal because current Commission Meetings are essentially a "rubber stamp" process. This act and the repercussions must be added to the EIR.

These bills and the impact on subject EIRs must be formally reviewed because of the socio-economic impacts (high taxes, loss of skilled jobs and deteriorating environment) that are being formalized - impacts which I have documented will ultimately displace the Small Business/Middle Class Community.

PUBLIC COMMENT PERIOD

It is unreasonable and unfair under the tenet of free speech for governmental bodies to take many months or years to prepare an EIR report, many of which cost more than \$500,000 and contain more than 500 pages, and then expect unpaid commentators to read, assimilate, analyze, and prepare written comments within the allotted public comment period that is limited to 30 to 45 days.

The ability of the public to participate in a meaningful manner is further complicated by the fact that there are currently numerous EIR studies and documents underway, that these EIR documents are directly related to or impact one another, and that the combined (underlying) policies, assumptions and socio-economic impacts contained within these documents are generally not made known to the public even though eventual (expected) certification and implementation of the policies and projects will have substantial impact upon the future of the Bay Area for well into the 21st Century.

Therefore, and in the interest of due process relative to the general public, **I request that public comment periods be retroactively redefined to encompass a period of not less than 60 days, and for large or related EIR's, a period of not less than 90 days.**

MEDIA OUTREACH

There is a related issue that must be addressed both immediately and retroactively by governmental bodies undertaking the EIR/EIS process: The number of individuals involved in the EIR/EIS process in terms of public participation and comment is generally very small to nil. I attribute this phenomena to the current practice of agencies simply sending a generic Press Release to media representatives or printing a terse Public Notice in 4 point font in an obscure newspaper. This does NOT constitute reasonable or proper notice to the public because it results in little to no "meaningful" information, scope, or impact being conveyed to the public, much less media outreach efforts or in-depth coverage in terms of newspaper articles, television news reports, talk shows, et al. In short, the public is kept in the dark.

PUBLIC PARTICIPATION, ACCESS, EIR FORMAT

Public participation and access is essentially precluded during the preliminary steps (subtasks, working papers, departmental meetings, etc) leading to the formal EIR document because of the growing number of governmental bodies employing so-called sub-committees, taskforces, and Citizen Advisory Committees in recent years, i.e. "work groups" that do not have to comply or operate within the tenets of the Brown Act ("Open Meeting Act").

The resulting dilution of governmental responsibility has made it all but impossible for the everyday citizen to understand who is doing what, when, and on what subject. This "obfuscation through dilution" becomes a serious obstacle due to recent legislation that allows data, assumptions or "mitigating factors" developed in previous EIR's to be referenced or applied in the current EIR - a practice which generally ignores information, facts, fatal flaws, and alternatives that have been previously presented by public commentators from being addressed in the current EIR and thus creates a "black hole" which absorbs data from commentators but also prevents its "escape" to the general public. In short, if previous EIR's are referenced, ALL related information, facts, fatal flaws, and alternatives presented by public commentators must be presented in the current EIR - including major findings, data tables, facts and circumstances developed by "work groups" in "sub task documents" preceding the formal EIR document presented to the public.

Moreover, financial and "displacement" data is "broken" into so many tables or pages as to be unintelligible without substantial "consolidating" analysis on the part of the commentator. And further, the tables presented do not contain elements that should have been included, particularly in the patronage, cost and operations sections (see "Specific Comments," below).

This practice and policy constitutes a serious fatal flaw in that the return on the investment of public funds, to whom, in what amounts, and in what period of time is of paramount importance to the taxpayer - in terms of both "value" and the impact on the cost of living. I remain particularly concerned about the issuing of bonds and ignoring the cost of interest expense.

Finally, it is important to note that the data, criteria and the process of evaluation employed are the very cornerstones of effective project analysis. Without full disclosure of these "factors" and how they are arrived at and employed, the taxpaying public is wholly prevented from evaluating the proposed Project in a meaningful way - one that can be evaluated for accuracy over time.

It is my position that both the format and the content of state and federal environmental documents are fatally flawed. These documents must be presented in the format similar to that of a STANDARDIZED BUSINESS PLAN. Both the process and the preparation of this STANDARDIZED BUSINESS PLAN must be made available to all interested parties as each section or sub-section is developed by staff (Lead Agency, work groups, et al). Furthermore, all correspondence, referenced data, public comment and technical input developed during the process must be captured and responded to in a manner reflecting the scope and intent defined in both my "San Francisco Public Hearing Policy" document (see ref #5) and the California Brown Act. And finally, per my Public Hearing Policy, a master "EIR/Project List" must be maintained by each level of government entity, i.e., a City List, County List, Regional List, State List, et al. These lists shall be maintained at all official public repositories, and made available free or at cost upon written or verbal request.

"SUMMARIZATION" and STATUTORY/ADMINISTRATIVE EXCLUSIONS

The practice of information, facts, fatal flaws, and alternatives presented by the public commentators being reduced to "gibberish" because of the extreme level of "summarization" employed by agency/EIR staff, or dismissed out-of-hand because of the application of "specialized" statutes established through the legislative process and/or official policy must cease. In short, all working papers resulting from sub-tasks and the formal Draft EIR must list the statutory exclusions, exclusionary premises, and "public" policies established by ABAG, MTC, and other governmental bodies in the preface or "setting" section of the EIR. And finally, the content, clarity and integrity of public comment can be maintained and conveyed to the public only if summarization is very limited or not used at all.

FINANCIAL ANALYSIS - SOCIO-ECONOMIC IMPACT

Governmental bodies have established the interpretation of state and federal EIR and EIS statutes and guidelines where socio-economic and financial impacts are not addressed as legitimate project issues.

However, CEQA provides that socio-economic considerations shall be included in an EIR if a "chain and effect to actual physical changes can be demonstrated" (Section 15131).

It is my position that a formal "Socio-Economic Study" must be performed because the proposed BART extension creates this "chain and effect to actual physical changes" in that implementation of any alternative in the EIR will result in the "timing and type of redevelopment" in terms of [p. 36-39]:

- ". . . private and/or public development plans to include high-rise offices, retail, multifamily residential and medical facilities" in the city of Fremont;
- ". . . and/or "adopt a "BART Station Concept Plan," in the city of Fremont;
- ". . . specific area plans being redesignated from (low density) industrial parcels to (high density) residential and/or commercial (office space) use in "areas compatible with BART."

In sum, each of these options would result in increased population density, increased vehicular traffic, and increased demands for additional infrastructure (water, sewer, power, etc.) and thus, the cost of the total project, definition of its elements, funding sources, construction considerations, the socio-economic impacts relative to redefined land use, the displacement of residents and companies, the displacement/replacement of job categories/skill levels/wages, increased density, and transportation elements including ALL transportation alternatives and many other factors are presented in a very cursory and generally unclear manner or not addressed at all.

MAJOR ISSUES NOT ADDRESSED IN THIS EIR

There are numerous issues that have not been addressed during the course of public hearings, previous EIR's and studies. They are crucial and must be included in this EIR. They include:

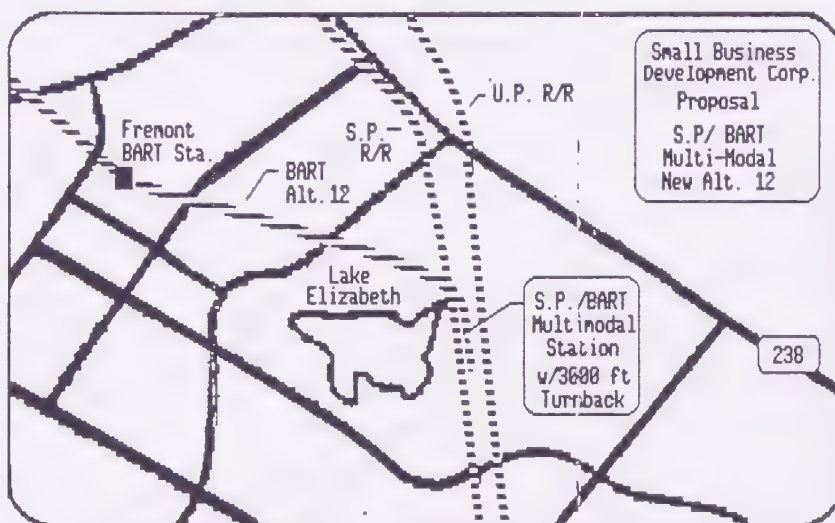
1. LAND USE CHANGES: It appears that BART's policy is consistent with that of the Association of Bay Area Governments Commission (ABAG), the Metropolitan Transportation Commission, and the Bay Vision 2020 Commission to convert industrial space, to high-density housing or high-density commercial space. Doing so, causes the replacement of well-paid skilled jobs with minimum-wage unskilled jobs resulting in public deficits in the form of unrealized housing subsidies (currently valued at \$152.5 million in San Francisco), See document presented to the "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, (ref #13).
2. IMPACT ON RAIL FREIGHT SERVICE: This EIR must present both the circumstances and the possible impact on rail freight service in terms of traffic, cost, operating schedules, etc. Local government's lack of policy and "political will" in support of industry generally and Ocean (Marine) Commerce and related Public Trust Use of Land activities (ship repair, fisheries, et al) and rail commerce specifically has resulted in a series of activities being undertaken to re-zone public and private property as non-industrial areas (see ref #18, #19). San Francisco Bay is considered one, if not the best, deep-water port in the world. There are countries that have started wars to gain access to a deep-water port. In sum, SeaPorts cannot survive or expand without modern facilities, adequate backland area, and efficient rail freight services.
3. INTERNATIONAL TRADE: It is my position that local officials are using the ploy of developing major projects under the guise of non-existent public benefits to allow rezoning of waterfront and industrial land in order to circumvent federal law regarding ocean commerce and the abandonment of rail freight services (see ref #22). Doing so is indefensible considering the fact that many experts including consultants to MTC have indicated that international trade, particularly in ocean commerce, will quadruple. It has long been my argument that pursuing ocean commerce and freight transportation will create well-paying jobs for substantial numbers of Bay Area residents (see ref #3). The "best use" of land must be protected and fully addressed in this EIR.
4. LAND USE: SBDC's previous reports show that tourism (food service, retail, etc) essen-

tially generates minimum-wage jobs which then creates demands on taxpayers to provide public subsidies in the form of housing, health services, et cetera (see ref #13). The Bay Area must make best use of its industrial and waterfront properties. Converting them to retail, housing and commercial is essentially cutting our own throats.

PROPOSAL FOR AN ADDITIONAL ALTERNATIVE

The following is a brief summary of an alternative proposal employing use of existing Southern Pacific or Union Pacific trackage in a manner similar to the CalTrain service currently operating in the San Francisco Peninsula.

(NEW) ALTERNATIVE 12 - SOUTHERN PACIFIC/BART MULTI-MODAL STATION



Map Source: BART Warm Springs EIR, DKS Associates, et al
Graphics: Small Business Development Corporation

ALIGNMENT: The alignment of the proposed BART extension from the Current Fremont Station to the Multi-Modal station (as shown) will be consistent with BART Alternatives 4-11, and may employ the most appropriate "Central Park Design Option." My preference would be the use of a subway structure beneath Central Park and/or Lake Elizabeth to ensure preservation of the natural ambience and unrestricted use of the park and lake while at the same time providing the most efficient throughput and safety of trains.

ISSUES: I ask that the following issues also be addressed in a Supplemental EIR:

- The ability to lay two transit-only tracks along the S.P. and U.P. freight right-of-way, if needed, now or in the future.
- The ability to interface Alternative 12 with the SBDC's "Transit Link System," including Phase II which includes extension of CalTrain service from the Peninsula across a transit-only (rebuilt) Dumbarton bridge to the East Bay.
- The ability to interface these proposals with the Hannigan (ACR-132) proposal.
- Development of text and tables showing ridership, capital and operating costs, possible housing and business displacements, environmental considerations and mitigations, etc.

FORMAL CONSIDERATION AND REVIEW UNDER CEQA: It is my position that this proposal must be fully addressed in a Supplemental EIR as required under section 15088 of the CEQA Guidelines as summarized as follows [quote, synopsis]:

Evaluation of and Response to Comments:

"(a) The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments."

"(b) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice."

"(c) The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either:"

(1) Revise the text in the body of the EIR, or

(2) Include marginal notes showing that the information is revised in the response to comments.

Note: "Authority cited: Sections 1083 and 21087, Public Resources Code; Reference: Sections 21104 and 21153, Public Resources Code; People v. County of Kern, (1974) 39 Cal App 3d 830; Cleary v County of Stanislaus, (1981) 118 Cal App 3d 348. Formerly Section 15146(b)."

Discussion: "The main purpose of this section is to codify the holding in People v County of Kern cited in the note. The evaluation and response to public comments is an essential part of the CEQA process. Failure to comply with the requirements can lead to disapproval of a project. . . The options of revising the draft or adding the comments and responses as a separate section of the final EIR match the permissible approaches under the federal NEPA system. . . "

SPECIFIC COMMENTS

S. SUMMARY

SU-15 Page S-3 (Table S-1): Fatal Flaw, table misleads/misrepresents ridership by presenting only figures for the year 2010 in that 10,000 of the projected 21,900 boardings are from the current Fremont Station. The balance appears hard to justify from a cost per boarding perspective.

1.4 PURPOSE AND NEED

LU-15 Page 1-7, para 1: "Because the increase in employment [in Alameda County] will exceed the number of new households [built in Alameda County], areawide commuters will require greater access to employment centers in southern Alameda County."

Fatal Flaw: A housing to Jobs ratio of at least 1 to 1 must be planned. Otherwise NEW residents will be forced to commute to work, possibly over long distances and at considerable cost considering that the non-auto transportation facilities (bus, rail, etc) will not be in place.

Page 1-7, para 2: "The proposed BART Warm Springs Extension Project is being developed in response to this need [exceeding capacity of I-880 by as much as six additional lanes] and in response to the following specific mandates:"

1st Bullet: Internally creating a policy within BART and then citing it in a BART EIR is self-serving and therefore invalid.

2nd Bullet: My letter to MTC's Hank Dittmar (ref #12) substantiates that the MTC's New Rail Starts Program (MTC Resolution No. 1876) is fatally flawed in both process and content and therefore is invalid.

3rd Bullet: I'm sure the voters voted for transit, but they also want the "best bang for the buck." My Alternative 12 should be presented to the voters and let them decide – after the facts are available from the completion of a Supplemental EIR.

4th Bullet: My Public Comment on the MTC's Regional Transportation Plan (RTP) (ref

#15) substantiates the fact the RTP is fatally flawed. Furthermore, on August 21, 1991, the federal court ruled that the RTP is not in compliance with the Bay Area's Environmental Regulations. The MTC has 120 days to resolve this ruling. A new RTP and RTP EIR will likely be required. And thus this bullet is invalid.

GEN-5

5th Bullet: Senator Boatwright's Law (SB 1715) may not be used as an excuse to build bad transportation projects or waste taxpayer money. Additionally Senator Boatwright was not informed of a "Southern Pacific R/R and BART Multi Modal" alternative and thus this bullet is invalid.

Pages 1-8 thru 1-10, Goal 1, Goal 2, Goal 3, Goal 4, Goal 5, Goal 6, Goal 7: Subject to findings of Supplemental EIR regarding Alternative 12.

GEN-6

2.6 RIDERSHIP

Page 2-37, para 2: My report (ref #17) demonstrates that The MTC's Regional Travel Model and the forecasts it produces is based on assumptions and programming that must be reviewed by the scientific community, certified and then rerun relative to this EIR and the previous/related EIRs.

PD-19

Page 2-37, para 4: The net reduction of 37% in the approximate 10,000 existing patrons at the Fremont Station must be reflected in the tables in this section. Doing so would result in substantially reducing the patronage figures in the tables, and thus this section is invalid.

PD-20

2.8 COST COMPARISONS

Page 2-47, para 2: *"The capital costs and operating and maintenance costs, further detailed below, are conceptual and subject to revision after preliminary engineering."*

Fatal Flaw: How can BART act to adopt (certify) this EIR if the cost per passenger ratios cannot be accurately calculated? The necessary "engineering" must be completed, this EIR and Alternate 12 updated, before the "preferred alternative" can be formalized.

GEN-7

Page 2-47, para 4: FATAL FLAW. While Table 2-5 summarizes the cost in escalated dollars, the table does NOT display the cost of bond financing. If one assumes for the purposes of conveying the point that the bonds are issued at say 8% for 20 years, then the total cost is a little more than twice the principle amount. In other words the \$690 million dollar project really costs \$1.4 billion! This is about \$176.9 million per mile for the 7.8 mile project.

PD-21

It is also my understanding that the above cost does NOT include certain mitigation costs including traffic, intersection and related costs, etc. These items must be specifically laid out and the costs presented, including the cost of borrowing money.

Page 2-48, para 4 and Page 2-51, Table 2-7: *"The total annual incremental operating and maintenance costs for the Proposed Project and alternatives in 1991 dollars . . ."*

Fatal Flaw. What does the sentence mean? I don't want to see "incremental" cost figures. I want to see a table that shows annualized cost figures that have been escalated for inflation for the years 1990 thru 2010.

PD-22

Fatal Flaw. Also what is the taxpayer getting for this. I want to see tables showing train frequency, cars per train, headway, et al.

3.6 LAND USE AND ECONOMIC ACTIVITY

Page 3.6-1, box "Notes on Population Estimates": FATAL FLAW. This EIR should have waited until the 1990 census figures were available. To do otherwise essentially misrepresents the data conveyed throughout the whole EIR. This EIR must be updated to reflect the 1990 census figures.

LU-16

Page 3.6-6, Table 2.6-4: The following categories must be added to the table: Average Worker Per Household; Net Commute In/Out; Average Cost Per Passenger, Per Mile by weekday totals, weekend totals, and yearly totals. "Mean Household Income in Constant 1988 Dollars" must be

LU-17

LU-17 replaced with "Mean Household Income." The difference is substantial. The currently displayed figure of \$35,609 would be replaced with \$21,780 for 1980 and the figure of \$45,100 would be replaced with \$27,734 for the year 2000.

LU-18 Page 3.6-45, Table 3.6-11 and Pages C-1 thru C-12, Potential Displacements: These tables must be updated to display the number of employees (business) and residents (housing) that are being displaced. This section must also discuss the "Relocation Mitigation Measures" in terms that are specific and easily understood, i.e., a table by parcel showing relocation efforts necessary and estimated costs.

Very truly yours,

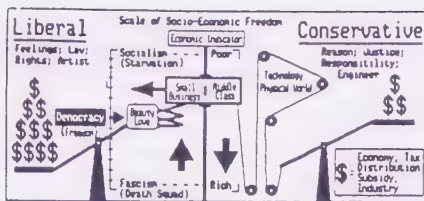

Dehnert C. Queen
Founder and CEO

DCQ:lj

Major References (Note: * = Enclosed)

- Ref: # 1 Study: "Analysis, Waterfront Transportation Projects (Prop B-Sales Tax Increase)," Fraudulent Misrepresentation of Fact, October 16, 1989, 4 pages.
- Ref: # 2 Study: "A Unifying Theory of Political Corruption/Constitutional Means for Politically Eliminating It," February 1990, 28 pages.
- Ref: # 3 Study: "Fiscal, Financial & Social Evaluation of the Mission Bay and Publicly-Funded Infrastructure Projects," June 1990, 54 pages.
- Ref: # 4 Letter: Elected Officials, re Mission Bay Ballot Issue, Fraudulent Misrepresentation of Fact, August 14, 1990, 3 pages.
- Ref: # 5 Proposal: "San Francisco Public Hearing Policy," August, 1990, 1 page
- Ref: # 6 Letter: Elected Officials, re Planning Department's & Planning Commission's Flawed EIR Process, October 29, 1990, 12 pages.
- Ref: # 7 Proposal: "Preliminary Proposal, (Update 8.1)," November 1, 1990, 36 pages
- Ref: # 8 Letter, Elected Officials, re Fatal Flaws, Compliance Gov. Code 65009, Mission Bay Dev. Agreement, Nov 15, 1990, 500+ pages.
- Ref: # 9 Letter, Elected Officials, re Improper Taking Eminent Domain, Misuse of Fed Funds, December 10, 1990, 5 pages.
- Ref: #10 Letter: Mr. Joe Cheung, Dept of Public Works, re Fatal Flaws, Waterfront Transportation Project EIS, December 23, 1990, 10 pages.
- Ref: #11 Letter: Elected Officials, re Unresolved Fatal Errors, Mission Bay EIR Certification, et al, January 7, 1991, 6 pages.
- Ref: #12 Letter: Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991
- Ref: #13 Presentation, SBDC Proposal: "Dept. City Planning/Embarcadero Citizen Advisory Committee," March 26, 1991, 20 pages.
- Ref: #14 Brochure: "Declaration For Restoring Economic and Social Freedom," (Synopsis) May 20, 1991, 2 pages.
- Ref: #15 Report: "Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR," June 14, 1991, 14 pages.
- Ref: #16 Letter: Elected Officials, re Non-Profit Housing Project, Abandon Public Easement, Rail Commerce ROW, June 24, 1991, 7 pages.
- Ref: #17 Report: "Summary/Analysis of MTC's Bay Area Travel Forecasts (Models), Facts Suppressed in EIRs, Hearings, Media," July 14, 1991, 14 pages.
- Ref: #18 Report: "Public Comment on the BCDC's Bay Plan Amendments No. 3-91, re Stopping Dredging, Ocean Commerce," July 18, 1991, 11 pages.
- Ref: #19 Letter: Assemblyman Byron Sher, AB 1509, BCDC's Bay Plan, re Stopping Dredging, Ocean Commerce, July 21, 1991, 2 pages.
- Ref: #20 Brochure: "Brief Position Paper," Dehnert C. Queen, Candidate for Mayor, July 29, 1991, 1 page (plus Substantiating Excerpts).
- Ref: #21 Report: "Public Comment, BAAQMD's Clean Air Plan (CAP) Draft EIR," August 19, 1991, 5 pages.
- Ref: #22 Letter: The Honorable T.E. Henderson, Ruling to stop Bay Area Transportation/Environmental plans, Re TRO Request, August 21, 1991, 5 pages.

Note: Under CEQA, it is the responsibility of the Lead Agency (BART AND/OR MTC) to acquire the reports referenced herein from "other agencies" including the MTC, the City and County of San Francisco, etc. However, should difficulties arise in doing so for any reason, please do not hesitate to contact me at (415) 433-7497 for copies.



Small Business Development Corporation

956 Sacramento Street, #305
San Francisco, Calif. 94108
(415) 362-2250 Bus. / (415) 433-7497 Res.



Restoring Economic and Social Independence to the Small Business and Middle Class Community

Founded: February, 1986

Sponsor of the Small Business Bowl / Transit Link System Project
America's First Privately-Funded Small Business Sports, Convention, Housing & Transit Center and InterCity Transit System

fedcourt3

HAND DELIVERED

August 21, 1991

The Honorable Thelton E. Henderson
U.S. Federal Court
450 Golden Gate Avenue, Room 18425
San Francisco, CA 94102

Re: Ruling on Docket Number C89-2044 TEH;
MTC's Regional Transportation Plan;
BAAQMD's Clean Air Plan;
Suppression of Superior Transit Alternatives by MTC, JPB, Peninsula Officials

Dear Judge Henderson:

I read in today's *San Francisco Chronicle* that you have ruled that *"the Bay Area remains out of compliance with minimum federal air quality standards . . ."* and the *"Bay Area transportation planners have failed to develop an adequate plan to encourage the use of mass transit as a way to reduce automobile traffic and smog . . ."*

Your Honor, I would like to bring to your attention an integrated land use / transit proposal that I have submitted to Mayor Feinstein, Mayor Agnos, San Francisco's Planning Commission, the Metropolitan Transportation Commission (MTC) and the Peninsula (CalTrain) Joint Powers Board (JPB) on more than 150 occasions during the course of the past five and a half years (See Attachment #1, "Bibliography of Major Documents and Events", pages 46-54).

In June, 1990, I documented that San Francisco's current (official) land use and transportation plans will unnecessarily raise the cost of living \$282 per month for every man, woman and child living in San Francisco (see Attachment #1, "Executive Summary," page 3). Even though there has not been a word in the press, the contents of this report was essentially certified as accurate by the Planning Commission's fiscal and economic expert in July, 1990 (copy of taped meeting available).

Moreover, the Small Business Development Corporation's (SBDC's) transit proposal has been improperly deleted from formal consideration in three state and federal Environmental Impact Reports/Statements undertaken by Bay Area officials in the past and has recently been excluded as an alternative in the "BART San Francisco Airport Extension Alternatives Analysis/Draft EIS/EIR" study currently underway under the auspices of the MTC/Federal Urban Mass Transit Authority (UMTA). This is most unfortunate because I have shown (using MTC *internal* studies, etc.) that the official plans will *knowingly* be obsolete upon completion in year 2000, and in the process will have wasted more than \$2.7 billion taxpayer dollars (substantiation below).

Summary of SBDC's Alternative Proposal

The SBDC proposal is not just "a good idea." The SBDC proposal is the product of a great deal of *pro bono* effort by recognized professionals (nationally recognized architectural firm, qualified rail/transit engineering firm, joint venture with ICC-qualified rail operator, qualified private funding and collateral sources, et cetera) that I have put together as a development team beginning in 1986.

The current SBDC proposal (November 1, 1990) is a refinement of a series of detailed proposals that have been prepared and presented to Bay Area officials for creating a **privately-funded** National Small Business, Sports, Convention, Housing and Transit Center (the "**Small Business Bowl**") - a *Giant's* ballpark and Gateway for Small Business activities worldwide - and integrated CalTrain, BART, MUNI Metro extensions (the "**Transit Link System**.") (See Attachment #2 pages 1-36 for detailed presentation, and Attachment #4 pages 3-8, for synopsis.)

Implementation of the privately-funded SBDC proposal would result in millions of residents, commuters, business people, fans, conventioners, tourists and air passengers being transported to and from Bay Area cities on an annual basis thereby generating substantial sources of public support and revenue for efficient and continued operation of CalTrain, BART and MUNI Metro rail transit systems.

In May, 1988, I succeeded in locating a qualified source of private funding who subsequently delivered a Letter of Intent in the sum of \$625 million in July, 1988, copies of which were delivered to Mayor Agnos, the Board of Supervisors, MTC, et al. In June, 1989, I succeeded in locating a qualified source of collateral. In July, 1989, I underwrote the expenses necessary to fly my banker from Amsterdam to San Francisco for a week. The design of the project, the strength of the pro forma, the integration of the transit elements, and a successful matching of conditions between the sources of private funds and collateral resulted in the ability to structure and consummate a financing package consisting of a standby Letter of Credit for the necessary \$560 million. Mayor Agnos responded by announcing his *fatally-flawed* ballpark plan using the SBDC site. The Mayor's plan failed for the same reason the USS Missouri was rejected - both were (are) considered negative impacts affecting the *joint* development of the City/Olympia and York/Catellus's Mission Bay project.

Nevertheless, the continued lack of support or consideration by San Francisco's elected officials, the MTC and other agencies has made it impossible to formalize offers of the "seed money" necessary to expand the SBDC's operations, engage the City's departments and agencies, pursue media outreach activities, and consummate a Letter of Credit with our prime funding and collateral sources.

The current situation is most unfortunate because implementation of the SBDC's proposal would make it possible for the San Francisco Bay Area to expand (for profit) international trade and sponsor a World Olympic competition in the foreseeable future. Furthermore, the Transit Link System links the Bay Area Cities together thereby making it possible to "quickly, safely and cheaply" transport people to both public events and work destinations **without the use of automobiles resulting in compliance with state and federal Clean Air Acts thereby eliminating plans to implement the Bay Area Air Quality Management District's (BAAQMD) draconian measures that include parking lot taxes, bridge fare increases, etc that are estimated to cost Bay Area businesses an estimated \$3 billion.**

Summary of Economic Impact on Bay Area Taxpayers

The SBDC recently attempted to participate in the MTC's update to the "New Rail Starts Program" (Resolution 1876) process, but was excluded by MTC staff (see Attachment #3, pages 1-9).

During this process, the SBDC prepared a financial analysis that demonstrated the economic viability of the SBDC proposal by incorporating funding source and cost figures derived from official San Francisco and MTC financial documents (see Attachment #4, page 16 (financial comparison)).

In sum, the SBDC's transit elements can be built in three rather than eleven years, save taxpayers more than \$2.7 billion dollars, provide vastly superior transit service, and in the process make best use of Public Trust Land in terms of creating substantial numbers (10,000) of skilled (versus unskilled) jobs in expanded ocean (marine) commerce and related industries (See Attachment #4, page 16 for summary comparison of funding/expense, and Attachments #1, #2, #4 for detailed socio-economic impacts and considerations)).

Finally, the SBDC's land use proposal demonstrates, among other things, the reason why San Francisco's current land use policies have resulted in the loss of skilled jobs and in the process developed a housing shortage and a growing deficit for housing subsidies currently valued at \$153 million (see Attachment #4, pages 10-12). While it is outside the scope of this letter, please note that I have developed a plan fully capable of resolving the housing shortage and eliminating the housing subsidy deficit.

Participation In MTC's Regional Transportation Plan (RTP) EIR and BAAQMD's Clean Air Program (CAP) EIR

On MTC's closing date of June 14, 1991, I filed a 14-page "Public Comment" document regarding the MTC's RTP EIR. **This report shows in substantial detail that the MTC's transportation plans are fatally flawed and that implementing the RTP will have substantial negative socio-economic and environmental impacts upon Bay Area residents** (See Attachment #5).

On BAAQMD's closing date of August 19, 1991, I filed a 5-page "Public Comment" document regarding the BAAQMD's CAP EIR. (See Attachment #6).

My BAAQMD Public Comments report references a report titled "Summary and Analysis of How MTC's Bay Area Travel Forecasts (Models) / Factors, Phenomena, and Assumptions that are suppressed in EIR's, Public Meetings, and the Media" (see Attachment #7). **Among other facts, this report documents that MTC and other officials know that transit use will decline and auto use will increase under current plans.**

In sum, the content of these two reports demonstrates that **material facts and considerations have been deleted from EIR reports** that have been released to the public as well as demonstrates that the draconian Transportation Control Measures (TCMs) and the process that created them are fatally flawed and that both the MTC's RTP and the BAAQMD's CAP EIR's must be redone using my suggested "public hearing process" (see Attachment #8)

Restoring Economic and Social Freedom

Review of the attached documents substantiates the fact that my efforts to define and develop superior land use and transportation plans have been consistently suppressed as have my raising of the necessary funding and collateral sources. Review of the situation brought me to the conclusion that due process has been diluted or suppressed to the point where it no longer exists. The continued silence on the part of the media has brought me to the conclusion that Free Press no longer exists - in practical terms.

It was for these and additional considerations that I developed my **"Declaration For Restoring Economic and Social Freedom by Re-Establishing an Economically Independent and Socially viable Middle Class and Small Business Community"** (see synopsis, Attachment #9). This Declaration provides an approach capable of resolving the socio-economic and environmental issues facing Bay Area Residents.

In the interest of providing full disclosure, please be advised that my hard-learned knowledge of the Bay Area's fatally-flawed land use and transportation plans and the process that created them (via the spending of my life's savings, about \$200,000), knowledge of superior alternatives, the lack of Due Process and Free Press, the impending serious impact upon the Bay Area's Small Business and Middle Class Community, the development of an approach capable of restoring economic and social freedom (my "Declaration"), and plans capable of resolving problems of crime, health care, housing, skilled jobs, etc., has led me to becoming a formal candidate for the Office of Mayor in San Francisco. I have taken on this additional task because I have exhausted all other alternatives, and thus the only option remaining is to take-on San Francisco's elected officials *politically*, i.e., to take my case and my solutions directly to the People (see Attachment #10).

Fortunately, however, your ruling of yesterday provides Bay Area residents another, and in practical terms, a much more immediate alternative. Moreover, you have restored my belief in Constitutional Democracy, i.e., the System does work when it gets right down to the wire. There is no question that this reprieve comes at the final hour because San Francisco is scheduled to commence construction of its fatally-flawed plans starting on or about October 1, 1991 - a month before the election. Perhaps your ruling can be extended to suspending these flawed construction plans.

I thank you for creating this possibility because the negative impact of the official land use and transportation projects are pervasive and will ultimately result in the displacement of San Francisco's Middle Class and Small Business Community, and in the process will:

"... replace economic diversity and skilled jobs with homogeneous, minimum wage jobs. Our children will realize they have nothing to look forward to before they are even out of high school. Hiding behind drugs and acting-out TV-created excitement-through-crime will provide their only alternative to living a life of quiet desperation. Creating counseling programs, job training programs and the like is totally useless because City Hall is setting up our children and our grand children to fail because of their pursuit of continued incumbency. Indeed, the eventual homelessness of our grand children will merely serve as rhetorical fodder in pursuit of additional federal funds and new dependency programs."

Summary and Conclusion

I pray that you review the facts, considerations, impacts and alternatives presented in the enclosed documents. In the interest of saving the court time and providing clarity, please note that I have translated the contents of the referenced documents to a scale model, annotated aerial photographs and a graphic transportation diagram, and thus, if you would prefer, I can make a presentation in about 15-20 minutes at your convenience.

I pray that you issue a Temporary Restraining Order (or equivalent) regarding construction of the Mission Bay segment of the Embarcadero Roadway/Transportation Expenditure Plan.

I pray that you issue a Temporary Restraining Order (or equivalent) regarding construction of a non-profit housing project lying directly in the right-of-way of the proposed CalTrain extension to Downtown San Francisco.

I pray that you issue an Order (or equivalent) forcing inclusion of the Transit Link System proposal as an alternative in the "BART San Francisco Airport Extension Alternatives Analysis/Draft EIS" study currently underway.

I pray that you order the MTC, the JPB, and the City and County of San Francisco to formally review the Small Business Bowl and integrated Transit Link System Proposals – and formally include the general public in the process.

I pray that I have conveyed that there is a great deal at stake, that I welcome the opportunity to demonstrate that there has long been a better way to substantially improve transit facilities, create skilled jobs, restore health to the Bay Area's economy, mitigate environmental impacts and save taxpayers billions of dollars in the process.

Thank you for your consideration in this matter.

Very truly yours,

Dehnert C. Queen
Founder and CEO

DCQ:lj

Enc: # 1 Study: "Fiscal, Financial & Social Evaluation of the Mission Bay, Infrastructure Projects," June 1990, 54 pages
 # 2 "Preliminary Proposal, Update 8.J", November 1, 1990, 36 pages
 # 3 Letter: Mr. Hank Dittmar, MTC, re New Rail Starts Program, January 14, 1991
 # 4 Presentation, SBDC Alternatives: "Embarcadero Plaza Citizen Advisory Committee," March 26, 1991, 20 pages.
 # 5 Report: "Public Comment, MTC's Regional Transportation Plan (RTP) Draft EIR," June 14, 1991, 14 pages.
 # 6 Report: "Public Comment, BAAQMD's Clean Air Plan (CAP) Draft EIR," August 19, 1991, 5 pages.
 # 7 Report: "Summary and Analysis of MTC's Bay Area Travel Forecasts (Models)," July 14, 1991, 14 pages.
 # 8 Study: "San Francisco Public Hearing Policy," August, 1990, 1 page
 # 9 Brochure: "Declaration For Restoring Economic and Social Freedom," (Synopsis) May 20, 1991, 2 pages.
 #10 Brochure: "Brief Position Paper," Dehnert C. Queen, Candidate for Mayor, July 29, 1991, 1 page (plus Substantiating Excerpts).



FREMONT
CHAMBER OF COMMERCE

RECEIVED

AUG 22 1991

BART
EXTENSION PLANNING

August 19, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning-MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

Re: Fremont Chamber of Commerce response to Draft EIR for the
Warm Springs Extension

Dear Ms. Kugler:

The Fremont Chamber of Commerce would like to take this opportunity to reiterate its firm support for the BART Warm Springs Extension. This position has been expressed to BART in 1979, 1984, 1990 and once again on August 12, 1991 at the Public meeting. We believe that the Warm Springs Extension will preserve and enhance the quality of life for Southern Alameda County residents by serving to mitigate the environmental impacts (traffic congestion, noise and air pollution) caused by the continuing growth of the region.

We concur with BART's proposed project, as described in the Draft Environmental Impact Report dated July 1991, with the following exceptions and comments.

The Fremont Chamber of Commerce position is:

1. Central Park (Lake Elizabeth) is an important community resource that must be protected for the enjoyment of present and future generations. An aerial structure through Central Park is totally unacceptable due to the visual and noise impacts on the park and the surrounding residential areas. In addition, the aerial route would degrade the many activities available in the park; including walking, picnicking, bicycling, boating, soccer, softball and other pursuits.
2. Each of the three stations planned in the proposed project is vital to the community. Each station will serve a different major residential and/or commercial/industrial area, and will lighten environmental impacts of vehicular congestion and air pollution by reducing the number of vehicles transporting residents and workers to and from these areas. Specific comments on each station are included in Exhibit A.

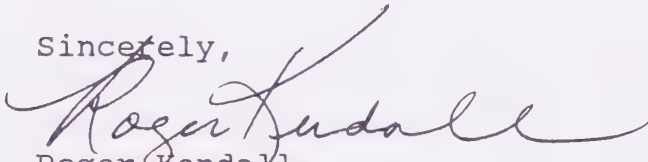
P-14

P-15

The first three project alternatives essentially state that the Warm Springs Extension would not be built. From the Chamber's position, representing over 1300 businesses located within Fremont and employing thousands, these three alternatives are categorically unacceptable. The first three alternatives would not sufficiently ease the environmental impacts from the current and future growth occurring in southern Alameda County; therefore they are unacceptable.

The Fremont Chamber of Commerce acknowledges and applauds the efforts of BART directors, BART staff, and the external consultants in developing the Draft Environmental Impact Report. We encourage, in the strongest terms, your continued diligence and commitment to the prompt development of a vital Warm Springs Extension.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger Kendall". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Roger Kendall
President, Fremont Chamber of Commerce

EXHIBIT A

IRVINGTON STATION:

The Irvington Station will serve the transportation needs of the residential neighborhoods of Irvington and Mission San Jose. In addition, this station will contribute to the revitalization of the Irvington business district and could, if designed properly, significantly reduce the traffic congestion of this district.

T-30

Because of the existing Interstate 680-238 Interchange property adjacent to BART property in Irvington, the Irvington station has the ability to become an ideal multi-modal transportation hub. For some reason, this interchange was not addressed in the Draft EIR.

WARM SPRINGS STATION:

The Warm Springs Station will serve the hillside communities ranging from Mission San Jose to the Weibel Winery, and the proposed new residential community to the west of I-880 off of Durham. Additionally, it will serve New United Motor (NUMMI), Fremont's largest employer, and the light industrial community to the north of NUMMI.

SOUTH WARM SPRINGS STATION:

The South Warm Springs Station will serve the existing and proposed residential and business developments of the Warm Springs District, as well as the southern light industrial area of Fremont.

Furthermore, the South Warm Springs Station would provide the necessary linkage with Santa Clara's residents and transportation systems. This station would divert a substantial amount of Santa Clara buses and cars from having to enter the center of Fremont, thus reducing their congestion on our streets.

ts/bart/8.91

BART Warm Springs Draft EIR
Comment Card
(please print)

RECEIVED

AUG 22 1991

Name Karen Aihara Date 8/16/91 **BART**
EXTENSION PLANNING
Address 43426 Newport Dr
City/Zip Code Fremont 94538
Telephone No. (415) 657-9662
Representing (if applicable) Homeowner - Irvington District
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

The Irvington Station should be eliminated! It will
bring crime into our community, not the prosperity
suggested by the businessmen. Look at the Emporium
Clearance Center - this center has been dying a slow
death for years! (conveniently located next to the "end of
the line" existing Fremont station.) We homeowners do not want
Irving Station - we want Alternative B - BART away from our

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may home!
fax comments to BART at (415) 287-4834.

Southern Pacific Transportation Company

RECEIVED

Southern Pacific Building • One Market Plaza • San Francisco, California 94105

C. J. BURROUGHS
CHIEF ENGINEER

AUG 22 1991

IN REPLY PLEASE REFER TO

BART
EXTENSION PLANNING

August 20, 1991

900 000/521-3
(Warm Springs)

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Dear Ms. Kugler:

Southern Pacific Transportation Company finds the DRAFT EIR for the BART Warm Springs Extension, dated July 1991, generally satisfactory. However, we have the following comments:

	<u>Page</u>	<u>Item</u>	<u>Comments</u>
U-1	3.10 - 2	Communication Utilities	About 0.7 mile of US Sprint fiber optic cable lies on westerly side of SPTCo. track in vicinity of Warm Springs. Protection and/or relocation must be done as needed.
U-2	3.10 - 3	Communication Utilities	MCI and SP Telecom both have fiber optic cables on westerly side of SPTCo. track. Protection and/or relocation must be done as needed.
T-31	3.12 - 20	Rail Lines	The rail crossings are controlled by crossing signals with <u>automatic gates</u> , not "barriers". (See California PUC General Order No. 75.)

<u>Sheet</u>	<u>Drawing No.</u>	<u>Item</u>	<u>Remarks</u>
3	3D	Proposed Project	(1) 800' VC is too short; must be at least 1230'. (2) Need alignment details for SPTCo. track relocation (degree of curve, spiral length, superelevation, etc.)
4	4B	Proposed Project	(3) Same as (2) next above.
11	3	Alternative 4	(4) Same as (2) second above.
12	4	Alternative 4	(5) 500' VC is too short; must be at least 795'. (6) Need alignment details for SPTCo. track relocation.
17	3D	Alternative 5	(7) 800' VC is too short; must be at least 1230'. (8) Need alignment details for SPTCo. track relocation.
18	4B	Alternative 5	(9) Same as (8) above.
62	3D	Alternative 11	(10) 800' VC is too short; must be at least 1230'. (11) Need alignment details for SPTCo. track relocation.
63	4B	Alternative 11	(12) Same as (11) above.

PD-23

<u>Sheet</u>	<u>Drawing No.</u>	<u>Item</u>	<u>Remarks</u>
73	3J	Option 2S	(13) 800' VC is too short; must be at least 1230'. (14) Need alignment details for SPTCo. track relocation.
82	15	Section H	(15) Require 15'-0" minimum from ROW Line to centerline SPTCo. track to accommodate signals, signs and ditches. (16) 10" High Pressure Petroleum Pipeline belongs to Santa Fe Pacific Pipelines, <u>not</u> Southern Pacific.
84	17	Section Q	(17) Need ditches for surface drainage along cut at right of SPTCo. track, and on two benches above it. Underdrains should handle only sub-surface drainage. Need drainage quantities and piping details.
85	18	Section R	(18) Box structure for SPTCo. track should be no closer to centerline of SPTCo. track than 10'0" on <u>both</u> sides; otherwise, this structure becomes the limiting clearance for wide loads on this main line. (This is 1' greater than the 9' minimum asked for in Drawing No. CZ 299 on June 4, 1990.)

PD-23

- 4 -

Your contact for all fiber optic cables lying on Southern Pacific Transportation Company property can be:

Mr. D. I. O'Callaghan
Vice President-Construction
SP Telecom
60 Spear Street, Suite 700
San Francisco, CA 94105
(415) 541-2994

As provided in your previous plans, any new gradients on the SPTCo. main track should not exceed 1%. Additionally, no highway grade separations should be constructed on BART that will preclude a future grade separation of the SPTCo. tracks with the same highway.

Vertical curves on SPTCo. tracks should conform to the standards for Main Line on our CE Drawing No. 40468, dated January 2, 1979, print attached.

Curve superelevations and lengths of transition spirals for the degrees of curvature proposed for SPTCo. should conform to our Common Standard 1912, revised May 1, 1990, copy attached. The present maximum train speed on this main line is 40 MPH. However, if the Amtrak route (and/or commuter trains) were placed on this line, the speed might be raised to 79 MPH. Therefore, spiral lengths should be provided to accommodate this higher speed.

If you have any questions concerning these comments or other relevant matters, please contact our Engineer of Special Projects, Mr. J. C. Strong [(415) 541-1505].

Very truly yours,

A handwritten signature in dark ink, appearing to read "C. J. Burroughs". The signature is fluid and cursive, with a long horizontal stroke at the end.

Attachments

cc: See Page 5

cc: Mr. F. L. Schell, P.E. - With attachments.
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Mr. C. J. Flannigan - With attachments.
Engineering Manager
Bay Area Transit Consultants
P.O.Box 12688
Oakland, CA 94604-2688

Mr. D. I. O'Callaghan
Vice President-Construction, SP Telecom, San Francisco
Mr. M. D. Ongerth, Asst. Vice President, SPTCo., San Francisco
Ms. C. A. Harris, General Attorney, SPTCo., San Francisco
Mr. H. R. Kaveny, Superintendent
SPTCo.
P.O. Box 24405
Oakland, CA 94623

SAGS

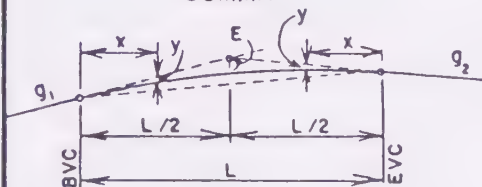


VERTICAL CURVES MUST BE USED AT ALL GRADE INTERSECTIONS
WHEN THE ALGEBRAIC GRADE DIFFERENCE IN PERCENT IS MORE THAN:

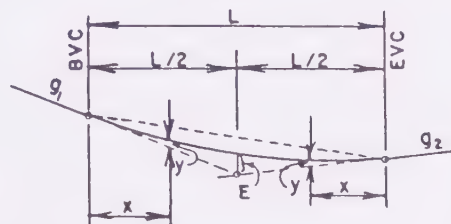
0.1% ON MAIN LINE
0.2% ON BRANCH LINE

0.4% ON DRILL TRACK
0.5% ON SPUR TRACK

SUMMIT



SAG



$$A = |g_2 - g_1|, \quad L = AC, \quad E = \frac{AL}{800}, \quad Y = \left(\frac{X}{L/2}\right)^2 E.$$

WHERE:

q_1, q_2 = GRADIENT IN PERCENT

A = ALGEBRAIC GRADE DIFFERENCE IN PERCENT

L = LENGTH OF VERTICAL CURVE IN FEET

C = CONSTANT

E = EXTERNAL DISTANCE IN FEET

X = HORIZONTAL DISTANCE FROM BVC OR EVC
TO A POINT ON VERTICAL CURVE IN FEET

Y = VERTICAL DISTANCE BETWEEN GRADE LINE
AND VERTICAL CURVE IN FEET.

	C, CONSTANT	
	SUMMIT	SAG
MAIN LINE	500	1000
BRANCH LINE	250	500
DRILL TRACK	60	75
SPUR TRACK	40	60

NOTES:

1. LENGTH OF VERTICAL CURVE TO BE TAKEN TO THE NEAREST LARGER HUNDRED FEET FOR MAIN AND BRANCH LINES AND TO THE NEAREST LARGER TEN FEET FOR DRILL AND SPUR TRACKS.
2. ELEVATIONS ON CONSTRUCTION PROFILES SHALL BE SHOWN AT THE BEGINNING (BVC) AND END(EVC) OF THE VERTICAL CURVES AND AT THE INTERSECTION POINT OF THE GRADES.
3. VERTICAL CURVES NOT CONFORMING TO THESE DESIGN STANDARDS MUST HAVE THE APPROVAL OF THE ENGINEERING DEPARTMENT.

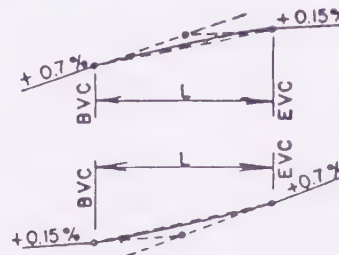
EXAMPLE 1): A +0.7% GRADE INTERSECTING A +0.15% GRADE.
CALCULATE THE LENGTH OF VERTICAL CURVES
FOR MAIN AND BRANCH LINES, DRILL AND SPUR
TRACKS.

SUMMIT :

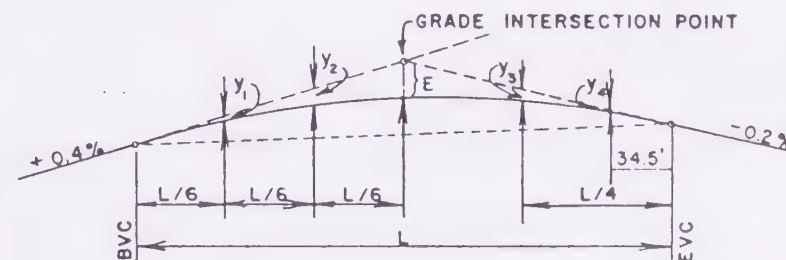
MAIN LINE : L = $(0.7 - 0.15) 500 = 275'$ USE 300'
BRANCH LINE: L = $(0.7 - 0.15) 250 = 137.5'$ USE 200'
DRILL TRACK: L = $(0.7 - 0.15) 60 = 33'$ USE 40'
SPUR TRACK: L = $(0.7 - 0.15) 40 = 22'$ USE 30'

SAG :

MAIN LINE : L = (0.7 - 0.15) 1000 = 550' USE 600'
BRANCH LINE : L = (0.7 - 0.15) 500 = 275' USE 300'
DRILL TRACK : L = (0.7 - 0.15) 75 = 41.25' USE 50'
SPUR TRACK : L = (0.7 - 0.15) 60 = 33' USE 40'



EXAMPLE 2): TO CALCULATE OFFSETS



ASSUME $L = 300'$

$$E = \frac{(0.4 + 0.2)(300)}{800} = 0.225'$$

$$y_1 = \left(\frac{L/6}{L/2}\right)^2 \cdot E = \left(\frac{1}{9} \times 0.225\right) = 0.025'$$

$$y_2 = \left(\frac{L/3}{L/2}\right)^2 \cdot E = \left(\frac{4}{9}\right)(0.225) = 0.100'$$

$$y_3 = \left(\frac{L/4}{L/2}\right)^2 \cdot E = \left(\frac{1}{4}\right)(0.225) = 0.05625'$$

$$y_4 = \left(\frac{34.5}{L/2}\right)^2 E = (0.0529)(0.225) = 0.0119'$$

[illegible]

SPEED ON CURVES

1. Speeds and superelevation for each degree of curve, are indicated on Tables 2 and 3 for each one-quarter inch of superelevation and are defined as follows:

Equilibrium Speed, is the speed at which the resultant force is perpendicular to the plane of the top of rails and is based on the formula, "E" equals .00067 V²/D, in which "E," the superelevation of the curve is expressed in inches, "V" the velocity in miles per hour, and "D" the degree of curve.

Permissive Speed, is the maximum speed authorized for operation of trains on curves. At these speeds the resultant force of loaded freight car with center of gravity taken at eighty-four inches above top of rails, intersects the plane of the top of rails approximately four and three-quarter inches from the center line of track.

2. "Equilibrium Speed," indicated on Table 3 is for information only; however, under special conditions and when authorized by the division engineer such speed may be used.

3. "Permissive Speed," indicated on Table 2 is to be used for freight and passenger trains. Speeds in excess of those indicated by permissive speed shall not be authorized; except that speeds used in schedules, shown on speed signs, etc., shall be the nearest multiple of five miles per hour. (For example, speed indicated in Table 2 of 62 MPH will be shown in schedules and on speed signs as 60 MPH and speed of 63 MPH will be shown as 65 MPH, except maximum authorized speed shall not exceed 79 MPH).

SUPERELEVATION

4. Superelevation of the curve shall be attained and run off uniformly, at a rate not in excess of those shown in Table 1 for the maximum speed authorized for the curve.

5. The length of spiral, or runoff, which is provided from the ends of the main curve shall govern the maximum superelevation for the curve and this superelevation shall govern the allowable speed for the curve.

6. Spirals should be provided on all curves where the superelevation required for the authorized speed is one inch or more.

7. The maximum superelevation for each degree of curve is the highest superelevation shown to left of heavy line on Table 2 for that degree of curve. These maximum superelevations will be used only on curves which are provided with spirals of a length sufficient to run off the superelevation uniformly over the full length of the spiral, with no superelevation on tangent and full superelevation on the circular curve.

GENERAL

8. Tables 1 and 2 should be used to determine the following:

- The superelevation of the outer rail on curve required to permit a given speed, and the length of spiral or runoff required to provide the superelevation for such speed.
- The restriction in speed which must be imposed on a curve after determining the superelevation which permits proper rate of runoff.

9. Special conditions which are not covered herein should be referred to the Chief Engineer for decision.

TABLE 1
RATES OF RUNOFF
FOR SUPERELEVATION OF CURVES

Speed miles per hour (ft/sec)	Length in feet required for each inch change in superelevation		
(1)	(2)	(3)	(4)
10 (14.7)	12	10	8
20 (29.3)	24	20	15
25 (36.7)	29	24	19
30 (44)	35	29	22
35 (51.3)	41	34	26
40 (58.7)	47	39	30
45 (66)	53	44	33
50 (73.3)	59	49	—
55 (80.7)	65	54	—
60 (88)	70	59	—
65 (95.3)	76	64	—
70 (102.7)	82	69	—
75 (110.0)	88	73	—
80 (117.3)	94	78	—

Column (2) is based on a rate of change of superelevation of 1.25 inches per second of time.

Column (3) is based on a rate of change of superelevation of 1.50 inches per second of time.

Column (4) is based on a rate of change of superelevation of 2 inches per second of time.

Rates indicated in Column (2) should be used in determining the length of spirals and superelevation of curves on new work and re-alignment of existing curves in high speed territories. For other territories and locations where local conditions restrict the length of spiral and runoff, rates indicated in Column (3) may be used. See Instruction 2.7.3.7. Rate of change must not exceed Column (4).

TABLE 2—PERMISSIVE SPEED
SUPERELEVATION, OF OUTER RAIL ON CURVES, REQUIRED FOR VARIOUS SPEEDS (superelevation in inches)

Degree of Curve	1/2	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/4	2 1/2	2 3/4	3	3 1/4	3 1/2	3 3/4	4	4 1/4	4 1/2	4 3/4	5	5 1/4	5 1/2	5 3/4	6	Degree of Curve	
0°30'	71	76	81	86	90	94																			0°30'
1°00'	64	67	70	72	75	77	80	82	84	87	89	91													1°00'
1°30'	52	55	57	59	61	63	65	67	69	71	72	74	76	77	79	81	82	84	85	86	87	88	89	91	1°30'
2°00'	45	47	49	51	53	55	56	58	60	61	63	64	66	67	68	70	71	73	74	75	76	77	78	79	2°00'
2°30'	41	42	44	46	47	49	50	52	53	55	56	57	59	60	61	62	64	65	66	67	68	69	71	72	2°30'
3°00'	37	39	40	42	43	45	46	47	49	50	51	52	54	55	56	57	58	59	60	61	62	63	64	66	3°00'
3°30'	34	36	37	39	40	41	43	44	45	46	47	49	50	51	52	53	54	55	56	57	58	59	61	62	3°30'
4°00'	32	34	35	36	37	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	58	4°00'
4°30'	30	32	33	34	35	36	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	56	4°30'
5°00'	29	30	31	32	33	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	54	5°00'
5°30'	27	29	30	31	32	33	34	35	36	37	38	39	40	40	41	42	43	44	45	46	47	48	49	51	5°30'
6°00'	26	27	28	30	31	32	33	34	35	36	37	38	39	40	40	41	42	43	44	45	46	47	48	50	6°00'
6°30'	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	49	6°30'
7°00'	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	48	7°00'
7°30'	23	24	25	26	27	28	29	30	31	32	33	34	35	35	37	37	38	39	40	41	42	43	44	46	7°30'
8°00'	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	47	8°00'
9°00'	21	22	23	24	25	26	27	27	28	29	30	30	31	32	32	33	34	34							9°00'
10°00'	20	21	22	23	24	24	25	26	27	28	29	29	30	31	31	32									10°00'
11°00'	19	20	21	22	23	23	24	25	25	26	27	27	28	29	29										11°00'
12°00'	18	19	20	21	22	22	23	24	24	25	26	26	27	27											12°00'
13°00'	18	19	19	20	21	21	22	23	23	24	25	25	26	26											13°00'
14°00'	17	18	19	20	21	21	22	23	23	24	24	25	25												14°00'
15°00'	17	17	18	19	20	21	22	22	23	23															15°00'
16°00'	16	17	17	18	19	20	21	21	22	22															16°00'
18°00'	15	16	16	17	18	18	19	19	20																18°00'
20°00'	14	15	16	16	17	17	18																		20°00'

TABLE 3—EQUILIBRIUM SPEED
SUPERELEVATION, OF OUTER RAIL ON CURVES, REQUIRED FOR VARIOUS SPEEDS (superelevation in inches)

SUPERELEVATION OF OUTER RAIL ON CURVES, REQUIRED FOR VARIOUS SPEEDS (Super-elevation in inches)																									
Degree of Curve	1/2	3/4	1	1 1/4	1 1/2	1 3/4	2	2 1/4	2 1/2	2 3/4	3	3 1/4	3 1/2	3 3/4	4	4 1/4	4 1/2	4 3/4	5	5 1/4	5 1/2	5 3/4	6	Degree of Curve	
0°30'	39	47	55	61	67	72	77	81	85	88	91	94	96	98	100	102	104	106	108	110	112	114	116	118	0°30'
1°00'	27	33	39	43	47	51	55	58	61	64	67	70	72	75	77	79	81	83	85	87	89	91	93	95	1°00'
1°30'	22	27	32	35	39	42	45	47	50	52	55	57	59	61	63	65	67	69	71	73	75	77	79	81	1°30'
2°00'	19	24	27	31	33	36	39	41	43	45	47	49	51	53	55	56	58	60	61	63	64	66	67	69	2°00'
2°30'	17	21	24	27	30	32	35	37	39	41	42	44	46	47	49	50	52	53	55	56	57	59	60	62	2°30'
3°00'	16	19	22	25	27	30	32	33	35	37	39	40	42	43	45	46	47	49	50	51	52	53	55	56	3°00'
3°30'	15	18	21	23	25	27	29	31	33	34	36	37	39	40	41	43	44	45	46	47	48	50	51	52	3°30'
4°00'	14	17	19	22	24	26	27	29	31	32	33	35	36	37	39	40	41	42	43	44	45	46	47	48	4°00'
4°30'	13	16	18	20	22	24	26	27	29	30	32	33	34	35	36	38	39	40	41	42	43	44	45	46	4°30'
5°00'	12	15	17	19	21	23	24	26	27	29	30	31	32	33	35	36	37	38	39	40	41	41	42	43	5°00'
5°30'	12	14	16	18	20	22	23	25	26	27	29	30	31	32	33	34	35	36	37	38	39	40	41	42	5°30'
6°00'	11	14	16	18	19	21	22	24	25	26	27	28	30	31	32	33	34	35	36	37	38	39	40	41	6°00'
6°30'	11	13	15	17	19	20	21	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	6°30'
7°00'	10	12	14	16	17	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	7°00'
7°30'	10	12	14	16	17	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	7°30'
8°00'	10	12	14	15	17	18	19	20	22	23	24	25	26	27	28	29	30	31	32	32	33				8°00'
9°00'	9	11	13	14	16	17	18	19	20	21	22	23	24	25	26	27	27	28							9°00'
10°00'	9	11	12	14	15	16	17	18	19	20	21	22	23	24	24	25	26								10°00'
11°00'	8	10	12	13	14	15	16	17	18	19	20	21	22	23	23										11°00'
12°00'	8	10	11	12	14	15	16	17	18	18	19	20	21	22											12°00'
13°00'	8	9	11	12	13	14	15	16	17	18	19	20	21												13°00'
14°00'	7	9	10	12	13	14	15	16	17	18	19	19													14°00'
15°00'	7	9	10	11	12	13	14	15	16	17	18														15°00'
16°00'	7	8	10	11	12	13	14	15	16	17															16°00'
18°00'	6	8	9	10	11	12	13	14	14																18°00'
20°00'	6	7	9	10	11	11	12																		20°00'

SOUTHERN PACIFIC LINES
COMMON STANDARD

SUPERELEVATIONS AND SPEEDS ON CURVES

NO SCALE

ADOPTED JAN. 1, 19

Patricia Snow
2563 Abaca Way
Fremont, CA 94539

My phone No. 415-651-8370

RECEIVED

AUG 22 1991

BART
EXTENSION PLANNING

Ms. Joan A. Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Re: 2878 Prune Ave., Fremont
Industrial Building

Dear Ms. Kugler:

I am a one-fourth owner of the above named property, an industrial building with 12 tenants and one vacancy. In regard to this property, I am against all proposed routes except alternate #8 which travels along Osgood Rd. and Warm Springs Blvd., thus avoiding our property. Since there is very little chance of the Bart Board approving alternate #8, then I ask that the engineers design a route that does not take any of our property. Your present drawings show that the route takes a slice of our property. This will adversely affect the land use and economic activity of our property. More specifically, it would take away the parking lot used by the tenants on that side of the building. It would also adversely affect the tenants' access into their units via the overhead door openings. The net result would be our inability to rent the units.

OA-11

I am a retired person. The majority of my income is derived from the rental of this building. BART's compensation for a piece of our land would never be enough to cover the income that the owners expect to receive over the next twenty or more years.

Therefore, I recommend that BART move the location of the Warm Springs station further south on their property and re-align the rail access to the station so that it does not need to take any of our property. It will save BART money and allow us to continue the rental of our property.

I also request that a BART engineer meet with the property owners at the Prune Ave. location before any further plans are drawn. BART could ask the rail-road company to re-align their tracks in that area so there would be more room for the BART tracks to pass over into the Warm Springs station. In that manner, the usefulness of our property would be preserved. I want to emphasize that the interests of big business such as a railroad should not override the interests of small property owners.

In a separate matter, I believe that the cost of building three more stations in Fremont is a luxury we cannot afford. Furthermore, the taxpayers of the present BART district should not be expected to carry the burden of extending the line to the Alameda County border just for the convenience of Santa Clara County residents. Alternate #9 (5.4 miles) is my preference with only one

P-17

P-17

new station at Warm Springs. The proposed Irvington station is too close to the present Fremont station. An Irvington BART station would create further traffic congestion in an area that is already overused. The money saved by adopting alternate #9 could be applied to undergrounding the track from the present Fremont station to a point just beyond Washington Blvd. and Osgood road. That way you would preserve the beauty and usefulness of Central Park.

Thank you for considering this matter.

Very truly yours,



Patricia Snow

P.S. These comments are to be included in the Final EIR.

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

MICHAEL L. WHITCOMB
General Solicitor
JEFF S. ASAY
Assistant General Solicitor
JAMES C. E. BARCLAY
PRISCILLA CONTRERAS
ALVIN M. HALL
General Attorneys

5500 Ferguson Drive, Suite J
East Los Angeles, CA 90022
(213) 725-2400



August 20, 1991

Ms. Joan A. Kugler, ALCP
Warm Springs Extension Project
Bay Area Rapid Transit District
P. O. Box 12688
Oakland, CA 94604-2688

Re: Comments on Draft Environmental Impact Report

Dear Ms. Kugler:

This letter constitutes Union Pacific Railroad Company's written comments on the BART Warm Springs Extension Draft Environmental Impact Report dated July 19, 1991. These comments affirm and supplement the comments I made at the public hearing in Fremont on August 12, 1991.

Union Pacific Railroad Company opposes project alternatives which include a BART station at Irvington (Washington Boulevard). One of the Irvington station alternatives calls for Union Pacific Railroad and Southern Pacific Railroad to be placed side-by-side in a long subway under the proposed station area. Union Pacific Railroad opposes this alternative for a number of environmental reasons.

P-18

First, without adequate ventilation there will be smoke build up in the subway, especially when two trains are operating at the same time. Second, in the event of a derailment, cleanup will be very difficult. If hazardous materials are involved, the problem will be multiplied. Third, safety and security will be a problem as the railroad experiences instances of trespassers on the tracks in this location. Lastly, excessive vibration may occur if two trains are operating in the tunnel at the same time.

AQ-2

HM-10

SS-7

N-7

Union Pacific Railroad also opposes the Irvington station alternative which places Union Pacific Railroad (and Southern Pacific as well) in a depressed trench running beneath the station. Although a long subway is not utilized, the railroad must pass under vehicle and pedestrian access bridges. The problems of security and derailment remain. Exhaust smoke may be a problem for pedestrians and motorists as the trains build up power to pull out of the depressed area.

PD-24

PD-24

In both alternatives, trains entering the depressed area experience a build up of dynamic forces which could cause a derailment. As the front part of the train is applying power to pull out of the depressed zone, the back end of the train is still running downhill. These opposing forces sometimes lead to derailments. It is better to avoid them all together if possible.

P-19

Therefore, due to problems anticipated with train handling, derailments, exhaust smoke buildup, vibration, safety and security, and derailment cleanup, Union Pacific Railroad opposes the Irvington station alternatives. Union Pacific Railroad supports Project Alternatives 6, 7, 9 and 10 which do not include a station at Irvington.

Thank you for the opportunity to comment. Please take these comments into consideration when issuing the final environmental impact report.

Very truly yours,



Jeff S. Asay

JSA:rsr

RECEIVED

AUG 20 1991

BART
EXTENSION PLANNING

Sammy Lum
1265 Valdez Way
Fremont, CA. 94539

August 14, 1991

Ms. Joan Kugler
Manager, South and West Bay Extensions
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA. 94604-2688

Dear Ms. Kugler:

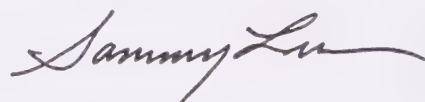
After reviewing the Draft Environmental Impact Report I wish to make the following comments. We live in the noise sensitive residential area next to the UPRR track therefore we are especially concerned with the alignments proposed for Central Park. In the report the noise introduced by Option #3 with mitigation is not considered significant. The criteria used is L_{dn} that is the average noise over a twenty four hour period. I do not think this is realistic because the peak noise averaged over time will result in a smaller value than the peak. Also L_{dn} weighs the noise at night more greatly than the noise during the day. Since BART does not run at night the noise during the day is deemphasized. What is the expected peak noise with the sound barriers? Granted the trains on the UPRR track will make more noise as they go by then a BART train but the UP trains only come by six or seven times a day. BART trains will come by much more often (10-20min.) but at a lower noise level. This I feel will be much more of an annoyance. The other issue that was not addressed is the fact that the value of our home will be severely affected and will be very difficult if not possible to sell during the construction phase and after that. How will BART compensate for this?

N-8

LU-19

To reiterate on comments that I have made with previous letters, Options #2 and #3 for Central Park are totally unacceptable from a noise and visual standpoint. The subway option through the lake is the only choice that will preserve the beauty of the park.

Sincerely,



Sammy Lum

RECEIVED

AUG 20 1991

DALE L. PETTERSON
P.O. Box 1462
Palo Alto, CA 94302

BART
EXTENSION PLANNING

August 16, 1991

Ms. Joan A. Kuglar
BART Extension Planning Department
BAY AREA RAPID TRANSIT DISTRICT
P.O. Box 12688
Oakland, CA 94604-2688

RE: BART WARM SPRINGS EXTENSION

Dear Ms. Kuglar:

P-20

The purpose of my letter is to go on record against Alternative 8:A 7.8-mile BART extension along Osgood Road and Warm Springs Boulevard with two stations.

I am the owner of The Skyway Freight Cross-Dock/Warehouse facility located at 44051 Osgood Road, southwest corner of Osgood Road and Skyway Court, city of Fremont, Alameda County, California, Alameda County Assessor's Parcel Number 519-1351-14-3. This property consists of approximately 6.079 acres with 70,000 square feet of building space, of which 7,000 square feet is office space. There are a total of 39 dock-high overhead loading doors and 3 truck-wells. This building is two and a half years old and is leased to Skyway Freight Systems on a long-term lease.

The city of Fremont has gone out of its way to put very strict zoning requirements on development along Osgood Road. Examples of these controls are underground utilities, no parking on the street, heavy landscaping, sign control, etc.

In talking to my real estate brokers and appraisers, they feel a aerial structure down the center of Osgood Road would dramatically decrease the value of my property.

Skyway Freight moves hundreds of piggy-back or tandem trailer trucks in and out of this facility weekly. The pillars that will hold up the aerial structure would be a problem to these wide turning trucks and trailers.

In all your drawings of Osgood Road there is a cul-de-sac street missing called Skyway Court around my building. This cul-de-sac is a very important street to Skyway Freight for entering and leaving this docking facility.

Ms. Joan A. Kuglar
BAY AREA RAPID TRANSIT DISTRICT
August 16, 1991
Page 2

I am in favor of the BART Warm Springs extension one hundred percent along the Union Pacific railroad tracks.

Please keep me informed on all ongoing issues concerning Osgood Road. I am willing to meet with any BART personnel or consultants concerning a aerial structure down Osgood Road.

Sincerely,

A handwritten signature in cursive script that reads "Dale L. Petterson". The signature is written in dark ink and has a long horizontal flourish extending to the right.

Dale L. Petterson

DLP/lbl

cc: Mike West, Station Manager
Skyway Freight Systems, Inc.

45426 Newport Drive
Fremont, CA 94538
August 18, 1991

Joan Kugler, Manager S/W Bay Ext.
BART, Extension Planning - MSQ3
P.O. Box 12688
Oakland, CA 94604-2688

BART Warm Springs Draft EIR Comments

We would like the following comments/signatures written into the public record:

The attached 5 pages are signatures of homeowners in the Irvington District and parents of students at Grimmer Elementary School.

We do NOT want Alternatives 4, 5, 6, 7, 9, 10, or the Proposed Project.

We support Alternatives 1, 2, 3, and 8 that keep the BART tracks away from our homes and neighborhood school.

Why are there no other alternatives besides BART or highway?

Sincerely,



Karen Aihara

Attachments

cc: Bill Ball, Mayor
Don Edwards, Congressman
Bill Lockyer, Senator
Kunle Odumade, Public Works

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Name	Address	Zip
Mary Perez	3742 Savannah Rd, Fre	94538

Name	Address	Zip
John R. Bolisio	43143 Newport Dr. FRE.	94538

Name	Address	Zip
Debra Walker	42379 Blacow	94538

Name	Address	Zip
Doreen Rine	43430 Newport Dr	94538

Name	Address	Zip
Lisa Coteau	43434 Mintwood	94538

Name	Address	Zip
Dorothy Landrum	42600 Newport Dr	94538

Name	Address	Zip
Michael Sharkey	3560 monmouth PL FRMT	94538

Name	Address	Zip
Albino Fonseca	4422 Darwin Dr. Front	94555

Name	Address	Zip
Patricia L. Allen	42873 Newport dr Fremont	94538

Name	Address	Zip
Polly Petro	43348 Newport	94538

Name	Address	Zip
William L. Petro	43348 Newport	94538

Name	Address	Zip
Lida Mansouri	3939 Bidwell Dr. #496 front	94538

Name	Address	Zip
A. Adamo	3939 BIDWELL DR #496 FREMONT	94538

Name	Address	Zip
Even Chung	150 Racoon Ct. Fremont	94537

Name	Address	Zip
Samuel G. Roberson	3460 Newport Common	94538

Name	Address	Zip
John Mari	3736 Savannah Rd	94538

Name	Address	Zip
Paul Wayne	37652 Farwell Rd	94538

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Frederic H. Munsie	4510 Crestwood	94538
Name	Address	Zip
John Strand	42641 Roberts	94538
Name	Address	Zip
James E. Jensen	43649 Salem Way	94538
Name	Address	Zip
John - Green	4790 Sneath Park Ave	94538
Name	Address	Zip
Kathy Honella	4142 Colby St	94538
Name	Address	Zip
Joe Jimas	193 MOHAVE Cn	94539
Name	Address	Zip
Wendy K. Jensen	3785 Limerick Town Rd	94538
Name	Address	Zip
Tommy Huber	42379 B/A Row Rd	94538
Name	Address	Zip
Samson Suen	4952 Creekwood Dr	94535
Name	Address	Zip
Edith Suen	4952 Creekwood Dr	94535
Name	Address	Zip
Tamara K.	4116 Sandstone Dr.	94536
Name	Address	Zip
Ronald Codens	2822 PAVAN CT S.J.	95148
Name	Address	Zip
Mary Higgins	43438 Newport Dr	94538
Name	Address	Zip
Clayre Tater	3551 Franklin	94538
Name	Address	Zip
Jim Kirk	43450 Newport Dr	94538
Name	Address	Zip
Rasim, Rasulova	4140 Irvington ave #64	94538
Name	Address	Zip
Sandy Jones	42633 Newport Dr.	94538
Name	Address	Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Name	Address	Zip
Ramon GARCIA	WASHINGTON BLVD 302 A 3 (94539)	

Joe Lardy	Mission Blvd	94538
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Debra Welch	Delaware	94538
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Mike Welch	1 1	94538
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Pat Coleman	43155 Newport Dr	94538
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Ann	47128 YUCATAN DR	94539
-----	------------------	-------

Mildie Tucker	42603 Hamilton Way	94538
---------------	--------------------	-------

Lina Lopez	42603 Hamilton	94538
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Yanna Yanna	405 RANCHO ARROYO PKWY	94536
-------------	------------------------	-------

Sarah	38850, Farwell Dr CA	94531
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Mindy Buggay	43155 Newport Dr Fremont CA	94538
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Charles Ho	38034 Village Comm 213 Fremont	94536
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Susan Zachary	4726 GRIFFITH	94538
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Muhli Ham	3688 Norfolk Rd	94538
-----------	-----------------	-------

Wayne Hester	3688 Norfolk Rd Fremont	94538
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Wanda Williams	43062 Walston Way	94538
----------------	-------------------	-------

Karen Aihara	43426 Newport	94538
--------------	---------------	-------

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

DAVID L HIGGASON	43438 Newport Dr	94538
Name	Address	Zip
Brenda Rishi	42715 Jefferson St. Fremont	94538
Name	Address	Zip
Nilina Maddox	4882 Balboa Way Fr	94536
Name	Address	Zip
Manuel Cruz	42367 BLAeow RD Fremont	94538
Name	Address	Zip
Blanca Longoria	3773 Samastain Rd Fremont	94538
Name	Address	Zip
Paul Bergson	42616 Hamilton Way	94538
Name	Address	Zip
Stanley Smith	362 Prairie Dog Ln Fremont	94539
Name	Address	Zip
James Smith	362 Prairie Dog Lane Fremont	94539
Name	Address	Zip
Jim H. Smith	41246 ROBERTS #29	94538
Name	Address	Zip
Sam M. Bugh	42758 Charles Taney	94538
Name	Address	Zip
Patricia Solhott	3579 Independence	94538
Name	Address	Zip
Mike Solhott	" "	" "
Name	Address	Zip
Jane Fregeoi	3755 Franklin Ave	94538
Name	Address	Zip
John Fregeoi	3654 Franklin ave	94538
Name	Address	Zip
Arthur Dub	3654 Franklin ave	94538
Name	Address	Zip
Debbie Silva	43221 Newport Dr.	94538
Name	Address	Zip
Jan Amisley	43651 Salem Way	94538
Name	Address	Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Hector Rodriguez	43053 Newport Dr.	94538
Name	Address	Zip
Michael Parker	43269 Newport Dr	94538
Name	Address	Zip
Taren Parker	43269 Newport Dr	94538
Name	Address	Zip
Daniel Buttu	3817 Wilmington Rd	94538
Name	Address	Zip
MIKE ARNAZ	3566 YORKTOWN Rd	94538
Name	Address	Zip
Peter Grenier	43464 Colma Ave	94538
Name	Address	Zip
Cherie Bonnelas	43464 Columbia Ave	94538
Name	Address	Zip
MOSTAFA JAFARNIA	109 RABBIT CT	94538
Name	Address	Zip
Antoinette Dillig	3760 Independence Rd	94538
Name	Address	Zip
Manuel Garcia	4287 Jefferson St.	94538
Name	Address	Zip
Dennis Phillips	3760 Independence Rd	94538
Name	Address	Zip
Manuel H. Jarama	43224 Columbia AVE	94538
Name	Address	Zip
MANUEL A Rodriguez	43224 Columbia AVE	94538
Name	Address	Zip
Swiny Watts	3748 Savannah Rd	94538
Name	Address	Zip
Vinod Rm.	4720 LA BEAN Ct Front	94555
Name	Address	Zip
Tracey C Roberson	3460 Newport Common FR.	94538
Name	Address	Zip
Kathy Greckley	3784 Independence Rd	94538
Name	Address	Zip

We support the alignment of BART tracks through the commercial area of Osgood Road and away from Grimmer Elementary School and surrounding neighborhood areas.

Edward L. Sierra	43414 Newport Dr.	94538
Name	Address	Zip

Faye Cox	3608 Norfolk Rd.	94538
Name	Address	Zip

Julia Martinez	36878 Mulberry St Newark Ca	94560
Name	Address	Zip

Dorothy Hahn	42812 Charleston Way Smit.	94538
Name	Address	Zip

Mary Ann Lim	5424 St. Mark #25 New	94520
Name	Address	Zip

Walter Lim	46954 Zapotec Dr Fremont	94539
Name	Address	Zip

Rich Sproun	3682 Kay Ct. Fremont Ca	94538
Name	Address	Zip

Angela Hyslop	42669 Newport Dr. Front	94538
Name	Address	Zip

Pat Ekapple	42669 Newport Dr. Front	94538
Name	Address	Zip

Chin Sakae	42731 Roberts Ave. Front	94538
Name	Address	Zip

Buerge D. West	3617 Norfolk Rd	94538
Name	Address	Zip

Timothy Ross	42638 Jefferson St.	94538
Name	Address	Zip

Joyanne M. Smith	3637 Monmouth Pl.	94538
Name	Address	Zip

Robert K.	34324 Platinum Terrace	94555
Name	Address	Zip

Norman East	42074 Miranda St Fremont	94539
Name	Address	Zip

K. Qui	42735 Norfolk Ave. Front	94538
Name	Address	Zip

Denise Weathered	3771 Savannah Rd	94538
Name	Address	Zip

Neal Johnson
556 La Copita Court
San Ramon, CA 94583
August 13, 1991

Dear Sir,

I read with interest much of the BART Warm Springs Extension DEIR. I also researched the route by walking in the affected part of Fremont Central Park on a Saturday around noon, and drove along the route to form an opinion on the best alignment and options.

First I would like to say that I support a BART extension and realize the importance of keeping capital costs low. For that reason, I do not support any subway alignment through Fremont Central Park unless the needed incremental funds are provided locally. I do, however, believe that Design Option 3 would be a reasonable expenditure to reduce the impact on the park and lake.

Beginning at the Fremont BART Station and working south, I would like to make the following observations and recommendations. BART should be aerial from the station to south of the tule pond, on embankment to Stevenson Blvd. with soundwall on the southwest side as needed, on aerial using roughly the Design Option 3 alignment across Stevenson Blvd., Fremont Central Park, SPTC, a realigned UPRR, and Mission Creek.

The UPRR should cross over to the SPTC southeast of the driving range, and be relocated adjacent to the SPTC from near Mission Creek to Carol Ave. This will allow BART to use the vacated UPRR ROW with a lower vertical profile and less impact on residents in the Valdez/Vaca/Valero neighborhoods. It should also make an overcrossing at the Paseo Padre Parkway less expensive and less visible as well as provide easier access to the pumping station.

BART would transition from embankment to at-grade to open cut between Mission Creek and Washington Blvd. with soundwall on the east side as needed. BART should cross below Washington Blvd., but whether the railroads should be depressed or cross at-grade ought to be reconsidered. If a SPTC/UPRR subway section be deemed necessary, its length should be minimized. Extending this subway for station parking doesn't make economic sense.

The Irvington station site is a good one, it serves a large residential area and has good access from I-680, which can be greatly improved by building an interchange with Blacow Road. This interchange would use the ramps initially intended for the SR 238 Foothill Freeway and intersect new ramps from I-680 north and a Blacow Road extension from Osgood Road. This, along with a Blacow Road railroad underpass, would greatly improve traffic patterns and BART access. Optionally, a road parallel to Osgood Road could be built from the new freeway interchange to BART parking.

The Warm Springs station site is also a good one, although the residential area served is not large, the access to the south on I-880 is good. Traffic using Fremont Blvd. and Grimmer Blvd. to enter the station and Warm Springs Blvd. and Mission Blvd. to return will find easy access to the station. This pattern should be encouraged and a 4-way stop at Grimmer Blvd. and Old Warm Springs Blvd./Lopes Court should be corrected. The South Warm Springs station should probably be built when BART is extended into Santa Clara County. Thank you for your attention, and good luck.

Sincerely,



Neal Johnson

RECEIVED

AUG 15 1991

BART
EXTENSION PLANNING

A-107

OA-13

T-32

PD-25

PUBLIC UTILITIES COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

HETCH HETCHY WATER AND POWER

1155 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103
554-0725



August 13, 1991

RECEIVED

Ms. Joan A. Kugler, AICP
Planning Project Manager
South and West Bay Projects
Extension Planning Department
BAY AREA RAPID TRANSIT DISTRICT
Post Office Box 12688
Oakland, CA 94604

BART
EXTENSION PLANNING

Subject: WARM SPRINGS EXTENSION PROJECT

Dear Ms. Kugler:

We have reviewed the draft EIR for the subject project and wish to express our concerns relative to a small portion of Alternates Seven and Eight.

U-3 | Your proposals would impact our 115KV transmission lines at the Durham Road Crossing. Alternatives Seven and Eight would encroach upon the safety margins inherent in the clearances between the overhead lines and vehicles passing underneath. If you should choose to elevate the grade and/or in other ways reduce the clearance, as in Alternates Seven and Eight, suitable mitigation will be required. However, we do not believe this is an insurmountable problem.

If you have any questions, please advise.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. T. Klein".

Lawrence T. Klein
Deputy General Manager

LTK:mf

cc: H007285
A. Moran
L. Snaider
A. Walter
K. Cooper

**BART Warm Springs Draft EIR
Comment Card**
(please print)

Name Pat Lane Date August 13, 1991
Address 5256 Eggers Drive
City/Zip Code Fremont, Ca. 94536
Telephone No. () 415-793-5026
Representing (if applicable) _____
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

We have lived in this area over thirty years and used to be very
supportive and enthusiastic of BART. We are very much in favor of mass transit.

However, the Warm Springs Extension project is very troubling. It doesn't
seem to us that the "Ring around the Bay" concept is ever going to happen.
Santa Clara and San Mateo do not seem to be willing to help pay for it. They
have other transit alternatives. It seems better then to spend the money to
Alternative 2 or Alternative 3 and strengthen other transportation than to pay
this much to bring BART closer to Santa Clara.

We are very concerned about the impact on Central Park in Fremont. There
seems no way to save it if BART goes through. We are also very concerned about

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may

fax comments to BART at (415) 287-4834.
the impact on the birds and other wildlife in the area.

**BART Warm Springs Draft EIR
Comment Card**
(please print)

Name DAVID A WAUGH Date 8/12/91
Address 39886 WYATT LN.
City/Zip Code EDMONT CALIF 94538
Telephone No. (415) 651 6670
Representing (if applicable) NONE
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

*I think that that the tunnel should
be built like it was planned
with the modification that the
train be tunneled thru Lake
Elizabeth.*

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may
fax comments to BART at (415) 287-4834.

WRITTEN COMMENT

Please Fill Out This Card If You Wish To Speak

Speaker Card

(Please print clearly)



Date: 8-12-91

Meeting: Formal Hearing DEIR

Name: Patricia Snow

Address: 2563 Abaca Way
Fremont, CA 94539

Phone Number: 415-651-8370

Organization or Affiliation: land owner with 3 others

Please Check One: at 2878 Prune Ave,
Fremont

☒ I would like to speak on:

→ We own a small industrial
↑ building with 13 tenants. Your plan
shows the BART tracks taking
a slice of our property as the

⊕ I would like to make the following written comment:
(this will not be read aloud)

Tracks approach alignment for The
Warm Springs/Grimmer Station. If you
position station a little further south
you can cross over later & thus

eliminate having to take any of →

OA-14

OA-14

our property. In other words,
please draw your plans so
that you don't take any of
our property. If the parking
lot next to present R.R. tracks
is used for BART tracks then
we wouldn't be able to rent units
on that side of building. My income
depends on this building being fully
rented. I don't want to be poor.

Additions to Table 3.5-1 of 7/91 DEIR

These are birds seen by Alice Hoch in the area of the proposed Port Extension (from the present Fremont Port Station to South Fremont), birds which are not already listed on 3.5-1. I have not included rare birds which I have seen there.

"x" in front of name denotes addition.

± Northern Shrike is an error. It should be Loggerhead Shrike.

EC-11

Magpie, Black-billed
Magpie, Yellow-billed
Raven, Common
Raven, White-necked
Crow, Common
Crow, Northwestern
Jay, Pileon
Nutcracker, Clark's
Chickadee, Bl-cpd
Chickadee, Mexican
Chickadee, Mountain
Chickadee, Gray-hd
Chickadee, Boreal
Chickadee, Ch-bckd
Titmouse, Pl-n
Titmouse, Bridled
Verdin
Bushtit, Common
Bushtit, Black-eared
Nuthatch, Wh-brst
Nuthatch, Red-brd
Nuthatch, Pygmy
Creepers, Brown
Wren, House
Wren, Brown-thrd
Wren, Winter
Wren, Bewick's
Wren, Cactus
Wren, Lng-bld Mah
Wren, Cañon
Wren, Rock
Mockingbird
Cuckoo
Thrasher, Brown
Thrasher, Bendire's
Thrasher, Curve-bld
Thrasher, California
Thrasher, Lo Conte's
Thrasher, Crissal
Thrasher, Sage
Robin
Thrush, Varied
Thrush, Hermit
Thrush, Swainson's
Thrush, Gray-chkd
Veery
Bluebird, Eastern
Bluebird, Western
Bluebird, Mountain
Wheatear
Bluetthroat
Rubythroat
Solitaire, Townsend's
Warbler, Arctic
Warbler, Mindorff's
Oatcatcher, Bl-gray
Oatcatcher, Blk-td
Kinglet, Gold-crd

x Kinglet, Ruby-crd
Accentor, Mountain
Wagtail, White
Wagtail, Yellow
Pipit, Water
Pipit, Red-throated
Pipit, Petchora
Pipit, Sprague's
Waxwing, Bohemian
Waxwing, Cedar
Phainopepla
Shrike, Northern
Shrike, Loggerhead
Starling
Myna, Crested
Vireo, Hutton's
Vireo, Bell's
Vireo, Gray
Vireo, Yellow-thrd
Vireo, Solitary
Vireo, Red-eyed
Vireo, Warbling
Warbler, Bl-and-wh
Warbler, Prthntry
Warbler, Tennessee
Warbler, Orange-crd
Warbler, Nashville
Warbler, Virginia's
Warbler, Collina
Warbler, Lucy's
Warbler, Parula
Warbler, Olive
Warbler, Yellow
Warbler, Magnolia
Warbler, Cape May
Warbler, Bl-thrd Blue
Warbler, Myrtle
Warbler, Audubon's
Warbler, Bl-th Gray
Warbler, Townsend's
Warbler, Bl-thrd Grn
Warbler, Hermit
Warbler, Cerulean
Warbler, Blackburn
Warbler, Grace's
Warbler, Ch-sided
Warbler, Blackpoll
Warbler, Palm
Ovenbird
Water-Thrush, Nthn
Water-Thrush, Lana
Warbler, MacGivry's
Yellowthroat
Cmt, Yellow-brd
Warbler, Red-faced
Warbler, Wilson's
Warbler, Canada
Redstart, American
Redstart, Painted
x Sparrow, House

Bobolink
Meadowlark, Eastern
Meadowlark, Western
Blackbird, Yell-hd
Blackbird, Redwinged
Blackbird, Tricolored
Oriole, Orchard
Oriole, Hooded
Oriole, Scott's
Oriole, Scarlet-headed
Oriole, Baltimore
x Oriole, Bullock's, Northern
Blackbird, Rusty
Blackbird, Brewer's
Grackle, Black-tailed
Grackle, Purple
Cowbird, Brown-hd
Cowbird, Bronzed
Tanager, Western
Tanager, Hepatic
Tanager, Summer
Cardinal
Pyrrhuloxia
Grosbeak, Rose-brst
x Grosbeak, Black-hd
Grosbeak, Blue
Bunting, Indigo
Bunting, Lazuli
Bunting, Varied
Bunting, Painted
Brambling
Dickcissel
Grosbeak, Evening
Finch, Purple
Finch, Cassin's
Finch, House
Grosbeak, Pine
Finch, Gr-crd Rosy
Finch, Blk Rosy
Finch, Brn-cpd Rosy
Goldfinch, European
Redpoll, Hoary
Redpoll, Common
Siskin, Pine
Goldfinch, American
Goldfinch, Lesser
Goldfinch, Lawrence's

ADDITIONAL SPECIES

No. 44. 50 cards, \$4.50, postpaid
(also available: No. 33. Eastern list. 50 cards, \$3.50 p.p.)
Providence Rd.,

Crossbill, Red
Crossbill, Wh-wngd
Towhee, Green-tailed
Towhee, Rufous-sided
Towhee, Brown
Townsend, Abbott's
Bunting, Lark
Sparrow, Savannah
Sparrow, Grasshopper
Sparrow, Baird's
Sparrow, Lo Conte's
Sparrow, Sharp-tailed
Sparrow, Vesper
Sparrow, Lark
Sparrow, Rufous-wgd
Sparrow, Rufous-crd
Sparrow, Botteri's
Sparrow, Cassin's
Sparrow, Black-thrd
Sparrow, Sage
Junco, White-winged
Junco, Slate-colored
Junco, Oregon
Junco, Gray-headed
Junco, Mexican
Sparrow, Tree
Sparrow, Chipping
Sparrow, Clay-colored
Sparrow, Brewer's
Sparrow, Field
Sparrow, Worthen's
Sparrow, Black-chnd
Sparrow, Harris'
Sparrow, Wh-crd
Sparrow, Goldn-crd
Sparrow, Wh-thrd
Sparrow, Fox
Sparrow, Lincoln's
Sparrow, Swamp
Sparrow, Song
Longspur, McCown's
Longspur, Lapland
Longspur, Smith's
Longspur, Ch-cold
Bunting, Snow
Bunting, McKay's
Bunting, Rustic

Pocket Field Check List 614 Birds of Western States

Date _____
Total _____
Weather _____
Time _____

Territory covered _____

Observers Alice Hoch

Notes _____

x GREBE, CLARK'S

Loon, Common	Shearwater, Pink-td
Loon, Yellow-billed	Shearwater, Wdg-td
Loon, Arctic	Shearwater, N Zeal
Loon, Red-throated	Petrel, Scaled
x Grebe, Red-necked	Petrel, Cook's
x Grebe, Horned	Petrel, Wh-winged
x Grebe, Eared	Petrel, Bulwer's
Grebe, Least	Fulmar
Grebe, Western	Petrel, Cape
Grebe, Pied-billed	Petrel, Galapagos
Albatross, Black-td	Petrel, Fork-tailed
Albatross, Short-td	Petrel, Leach's
Albatross, Laysan	Petrel, Ashy
Albatross, Black-brd	Petrel, Black
Albatross, Wh-cpd	Petrel, Least
Albatross, Yel-nosed	Petrel, Wilson's
Shearwater, Sl-bld	Tropic-Bird, Red-bld
Shearwater, Sooty	x Pelican, White
Shearwater, Manx	Puffin, Brown
Shearwater, Pale-td	Booby, Blue-faced

Bay Area Rapid Transit District
Extension Planning, co Joan A. Kugler

Dear Ms Kugler

August, 12 1991

Do not expand the BART boondoggle into Warm Springs. In fact it would better for the whole bay area if the overly expensive and mistaken technology of BART were not expanded anywhere. The \$540 million for Warm Springs is enough to electrify the existing railroad lines around the bay and up to Sacramento including 20 trainsets. This would help increase BART ridership more than all of the presently planned extensions combined. Since CalTrain, especially when electrified, is faster, cheaper and can be implemented sooner it is totally irresponsible to waste rail dollar during these times of recession and budget deficits. The congested highways and fading government budgets are directly attributable to the long delays and inflated costs of BART projects. This extension is aligned between 2 existing railroad lines. Either of which could be upgraded to provide superior service for less cost than BART by using modern convetional railroad technology. Please quit wasting our tax money and do the Bay Area a favor.

OA-15

Vaughn Wolffe
1541 Cottage Grove
San Mateo, Calif. 94401

day phone 408-954-1088 x2838
home 415 344-4474

Cordially

Vaughn R Wolffe

BART Warm Springs Draft EIR Comment Card

(please print)

Name JOHN LANDERS Date 8/12/91
Address 4797 STRATFORD AVE
City/Zip Code PREMONT, CALIF., 94538
Telephone No. (415) 656 8877
Representing (if applicable) MYSELF
(Business, Organization, Association, etc.)

I would like to have the following comment/question written into the public record:

RE: EIR MEETING I WOULD LIKE TO STRONGLY RECOMMEND THAT
ON 8/14/91 SPEAKERS BE REMANDED (IF NECESSARY, EACH
FOR A ROOM SPEAKER) THAT THE PURPOSE OF THE MEETING
WAS TO ADDRESS THE EIR - ITS ADEQUACY &
COMPLETENESS & CORRECTNESS AND NOT TO MAKE
COMMENTS THAT SHOULD HAVE BEEN MADE AT THE SCOPING

Comments must be received by August 26, 1991 by 5:00 p.m. to be considered. You may fax comments to BART at (415) 287-4834.

MEETINGS IN THE SPRING. THE MC LADY
DID THE BEST SHE COULD BUT SPEAKERS DID NOT
DISCIPLINE THEMSELVES BY

RECEIVED

PETE WILSON, Governor



JUL 30 1991

BART
EXTENSION PLANNING

STATE OF CALIFORNIA — THE RESOURCES AGENCY

OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION
P.O. BOX 942896
SACRAMENTO 94296-0001
(916) 445-8006
FAX: (916) 322-6377

25 July 1991

Ms. Joan A. Kugler, AICP
Planning Project Manager
South and West Bay Projects
Extension Planning Department
Bay Area Rapid Transit District
800 Madison Avenue
P.O. Box 12688
OAKLAND CA 94604-6000

Subject: Draft Environmental Impact Report for the Warm Springs
Extension Project

Dear Ms. Kugler:

Thank you for sending me a copy of the Draft EIR cited
above.

The Office of Historic Preservation assists federal
agencies with meeting legislated and regulatory historic
preservation responsibilities. Your cover letter, however,
gives no indication that a federal agency is involved in the
proposed extension project. What federal agency, if any, will
be required to permit or fund the project?

C-2

Thank you for considering historic properties during
project planning. If you have any questions, please call staff
archaeologist Nicholas Del Cioppo at (916) 322-4419.

Sincerely,

Kathryn Gualtieri
State Historic Preservation Officer

RECEIVED July 29, 1991
JUL 30 1991

Joan Kugler, ^{BART} EXTENSION PLANNING
Bay Area Rapid Transit District.

Re: Alternative 8 Extension Along
Osgood Road.

Thanks for sending the E.I.R.. We
have read a lot of it, and wish to
express our objections to Alternative 8.

Is this a seriously considered Altern-
ative? We think it is the least
desirable (39 residences disrupted 22
more than the proposed project, Alt. 4,
5, and 11. 83 Businesses same as
proposed project and alt. 11, Only alt. 7 has
more.) We think the proposed project
would be the ideal extension.

We have lived on Osgood Road for
38 years, and had expected to live the
remainder of our lives here - without

a train in our front yard.

I thank you for your time, and
consideration

Pheria Greene
Ernest Green Homeowners

42255 Osgood Road
Fremont, Ca. 94539
415-656-0587.

Alameda County
TRANSPORTATION AUTHORITY

RECEIVED

JUL 25 1991

BART
EXTENSION PLANNING

July 23, 1991

Joan Kugler
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: **Warm Springs Extension**
Draft Environmental Impact Report
File MB-610

Dear Ms. Kugler:

This letter contains our comments on the Draft Environmental Impact Report (DEIR) for the proposed Warm Springs Extension (WSX).

Our principal comment concerns Alternative No. 3. This alternative is for widening and adding HOV lanes to I-880 in Alameda County. We question why widening and adding HOV lanes to I-880 is presented as an alternative when the Measure B funded portion of I-880 improvements is scheduled for completion in 1996. Measure B will fund widening of I-880 to eight lanes from the Santa Clara County line to the Alvarado/Niles Interchange in Union City, a distance of thirteen miles. This work includes provision for ramp metering and HOV lanes. It is our understanding that these features must be operational upon completion of this widening stage.

PD-26

In addition to considering the planned I-880 work as an alternative, it is our view that certain described impacts are speculative. In particular, comments about localized flooding and erosion due to construction (section 3.4.3) are issues we will address during design development and active construction of the I-880 widening project.

H-10

Any questions on these comments may be referred to me. Thank you for the opportunity to review this Draft Environmental Impact Report.

Sincerely,



A.J. Gallardo
Executive Director

A-119



1693 Valdez Way
Fremont, California 94539
June 20, 1991

RECEIVED

JUL 25 1991

BART
EXTENSION PLANNING

Ms. Theresa Dunn
Environmental Review Officer
Bay Area Rapid Transit District
800 Madison Street
Oakland, California 94607

Dear Ms. Dunn:

Please find attached our comments in the form of a letter written last year regarding the proposed BART extension south of Fremont into the Warm Springs Area. In short, our particular concern is BART's route through the Lake Elizabeth (Central Park) area to where it would cross Paseo Padre Avenue in Fremont.

The homeowners along the Union Pacific Railroad (on the east side) would be severely impacted in terms of noise, vibration (substantially higher level and certainly far more frequently than currently exists), view obstruction and deterioration and loss of property value for any optional route that approaches or straddles the UPRR.

P-24

Mr. Priestly, a consultant retained to photograph elevation and obstructions, photographed potential views from our backyard which should illustrate just one aspect of the problem posed by BART project alignments 2 and 3 through Central Park. We strongly request that BART retain the option 1 routing through Central Park.

Very truly yours,

Michael L. Olson
Kathleen M. Reilly

Enclosure
Letter of 17 June 1991 to Mr. Leo Rachal

1693 Valdez Way
Fremont, California 94539
June 17, 1990

Mr. Leo Rachal
Warm Springs Extension Project
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, California 94604

Dear Mr. Rachal:

Contained herein are our comments on the Draft EIR and our impressions of the Public reaction at the Public Hearing held June 13th in the Fremont Main Library. The extension of the BART service to Warm Springs is viewed by ourselves from three perspectives: 1) that of citizens of the Bay Area, 2) Fremont residents concerned about the quality of life in our city, particularly the Central Park, and 3) that of single-family homeowners situated next to the Union Pacific Railroad tracks at 1693 Valdez, a location that is severely impacted by at least two of the aerial options for routes through Central Park.

As members of our greater community in the Bay Area with the intent to contribute to the ecological preservation of our planet, we recognize the value of encouraging alternative means of transportation that work effectively to reduce dependence upon fossil-fueled personal transportation. Although BART is only part of the solution, we encourage the extension of service to Warm Springs in recognition of the "Big" picture. Our impression of the Public Hearing in Fremont was that most if not all of the participants shared this view. The major concern was not *if* but *how*.

The two major issues that were voiced at the Public Hearing seemed to us to revolve around the 50 million dollars for a subsurface BART extension through Central Park and the sensibility of building the Irvington Station.

1) The Central Park impact of aerial or subsurface was viewed as a tradeoff of money and aesthetics. One recurring theme was that BART had made previous commitments to Fremont for the subsurface route and was balking at the cost of this plan citing the fact that Oakland paid for their underground BART facilities. Although one newspaper reporter assessed that about half the people sided with the proponents for underground and the other for the lower cost aerial route(s). Our perspective was that only

CP-23

a portion of the general public's concerns about the subsurface route were directly related to money. In addition, some were related to safety of a subsurface tunnel. However it was pointed out by two people (Director Glenn and one of the citizens who was a structural engineer) that the tunnel was safer than an aerial BART track. The other issues were the noise and to a lesser extent the vibration. More than one individual expressed concern about the aerial solutions on the noise impact in the park. This is substantiated by the Draft EIR in which the range of impact is said to be within 300 to 1200 feet of the BART tracks depending upon the sound criteria selected. The impact on the wildlife such as the Burrowing Owl habitat, the wetlands and the baseball fields did not merit significant comment. We believe that most people recognize that relocation or rehabilitation of the owls and preservation of the wetlands are manageable activities as has been demonstrated elsewhere in the Bay Area. The affected playing fields can be moved and rebuilt where necessary. The issues are the cost to reduce noise and retain the aesthetics of Central Park.

2) The other theme related to the need for the Irvington Station. This station requires the displacement of both homes and businesses. If we recall correctly, it also involves the placement of both UP and SP tracks below grade with a 1% grade in and out. It affects historical property and increases the traffic in the Irvington area especially causing concern about the intersection Washington and Fremont streets. It also raises the question of the closeness of the Fremont and Irvington stations. At least two people suggested that the Irvington Station not be built.

One interpretation of these two themes is that if the Irvington Station were deleted from the plan, the resulting reduction in cost of the Warm Springs extension could be applied to offset the cost of a subsurface route through Central Park.

As mentioned in the beginning of this letter, we have a personal interest in how the BART extension traverses Central Park. Two of the options (B and C) place the aerial tracks along the UP railroad tracks which borders the backyards of many residences along Valdez way in Fremont. It is extremely insensitive on the part of the Draft EIR to state that;

"Because the proposed BART extension generally follows the existing Southern Pacific and Union Pacific Railroad corridor, many of the noise-sensitive receptors are already exposed to significant noise levels."

It should be noted that there is a significant difference in the impact of a UP train that uses the track only once every three to six hours and a BART train that would go by every seven and a half minutes and produce a sound level such that;

"Homes along Valdez Drive which back up against the UP railroad tracks would be exposed to maximum noise levels exceeding the absolute noise impact criterion for all three aerial options. Option C would be located close enough to these homes to also exceed UMTA's criterion for relative noise impact."

My experience is that the Union Pacific train noise is tolerable because it occurs relatively infrequently. An aerial route next to Valdez Way along the UP tracks would cause the frequency of these events that exceed the absolute noise limits to increase by 30 to 60 times given an average interval of 3 to 7.5 min between BART trains (two routes, each with a 15 minute departure schedule with both northbound and southbound trains). As such,

N-9

we urge that BART strive to use the route through Central Park that minimizes the impact on the noise and vibration levels affecting the residences adjoining the UP railroad tracks along Valdez Way.

In addition, we would like to point out that when we purchased our home on Valdez Way last August, we asked a BART representative what the route plan was for the extension through Central Park. Our plans to purchase were based upon assurances from the BART representative that the BART extension was to be underground through Central Park. We along with the City of Fremont take a dim view of any suggestion from BART that you no longer feel obligated to honor those commitments which have a significant impact on the value of our property and quality of life.

Very truly yours,



Michael L. Olson

Kathleen M. Reilly
1693 Valdez Way

cc. Fremont City Council

APPENDIX B

Comments made at the Public Hearing on the Draft EIR

I N T H E S T A T E O F C A L I F O R N I A

C O U N T Y O F A L A M E D A

---oOo---

CERTIFIED COPY

B A Y A R E A R A P I D T R A N S I T

W A R M S P R I N G S E X T E N S I O N

ENVIRONMENTAL IMPACT REPORT

PUBLIC HEARING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Monday, August 12, 1991

---oOo---

Reported By SUSAN KAHLER, Shorthand Reporter

County of Alameda, State of California

BAY AREA COURT REPORTERS

BAY AREA RAPID TRANSIT PUBLIC HEARING

BE IT REMEMBERED that on Monday, August 12, 1991,
commencing at the hour of 7:19 p.m. thereof, at the
Fremont Public Library, Fukaya Public Meeting Room,
2400 Stevenson Boulevard, Fremont, California, before me,
SUSAN KAHLER, a Shorthand Reporter in and for the County of
Alameda, State of California, personally appeared the parties
and speakers named herein, and the following public hearing
proceedings were held.

APPEARANCES

JOAN KUGLER

Warm Springs Extension Project Manager

CAROLYN M. VERHEYEN

Moore Iacofano Goltsman

DOUG DONALDSON

Donaldson Associates

BILL DIETRICH

DKS Associates

BAY AREA COURT REPORTERS

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BAY AREA COURT REPORTERS

1 August 12, 1991

7:19 p.m.

2 P R O C E E D I N G S

3
4 CAROLYN M. VERHEYEN

5 MS. VERHEYEN: Hello everybody and welcome. Thank
6 you all so much for coming tonight. We're ready to start the
7 more formal part of our evening, the public hearing. I hope you
8 had a chance to go around and meet the BART staff and engineers
9 and consultant team and look at the displays and get a sense of
10 the project, if you don't have that already.

11 My name is Carolyn Verheyen. I'm with the firm
12 Moore, Iacofano, Goltsman, M.I.G. We're public involvement
13 consultants, and I'll be moderating the event tonight.

14 The purpose of tonight's public hearing is to
15 receive your comments on the adequacy and the accuracy of the
16 draft Environmental Impact Report for BART's Warm Springs
17 extension project. Your comments will be recorded by our court
18 reporter and responded to in the final E.I.R. BART really needs
19 your feedback in order to create the final E.I.R. and so we're
20 happy you are here tonight.

21 I'd like to introduce some BART staff who are
22 present, Joan Kugler project manager for the Warm Springs
23 extension, she's over there; Theresa Dunn, environmental
24 officer, in the back of the room; Bruce Kusanovic, director of
25 the community relations, there he is; Molly Murphy, community
26 representative; Farrell Schell is the project manager for

BAY AREA COURT REPORTERS

1 engineering. Robin Hill is BART's real estate manager. We also
2 have Allan Lee and Fariborz Vazirabadi, who are planners,
3 extension planners, there in the back; Lillian Young, who's the
4 Warm Springs engineer.

5 From the consultant team, we have Bill Dietrich,
6 from DKS Associates. He'll be doing a presentation later
7 tonight. You'll hear more from him. Also, Carolyn Wiecejzorek
8 and Doug Donaldson from Donaldson Associates. He'll be
9 presenting as well.

10 From the City of Fremont we're honored to have
11 Kunle Odumade. He'll be giving opening remarks from the Mayor's
12 office.

13 And from BATC, Hanan Kivett who's project manager
14 for the Warm Springs extension.

15 So after a brief presentation, we'll open the public
16 comment period. We'd like you to fill out one of these blue
17 speaker cards, if you could. We'll receive them in order, and
18 we'll use them to call people up to the microphone which is in
19 the center aisle there. We'd like to give everyone a chance to
20 speak, therefore, we'll ask you to be brief. If you could keep
21 your remarks to about three to five minutes, we'd very much
22 appreciate that. If there's time at the end, after we've gone
23 through all our speaker cards, you may have another chance to
24 come up, but we'd really like to give everyone an opportunity to
25 speak tonight.

26 Also, for your convenience, we have these comment

BAY AREA COURT REPORTERS

1 cards which you'll find at this table, I believe, and in the
2 back there. If you'd like to write your remarks and either hand
3 them in tonight or send them in, just be sure you send them in
4 before August 26th. That's the end of the public comment
5 period.

6 Now, I'd like to introduce Joan Kugler, the project
7 manager for the Warm Springs extension. She'll give a brief
8 presentation.

9
10 JOAN KUGLER

11 MS. KUGLER: Thank you very much. It's really a
12 pleasure to see you all here tonight and I thank you for coming.
13 I'm sure there are a lot of other things you could be doing, but
14 public participation is one of the most important parts of the
15 environmental process.

16 Those of you who were at our public workshop know
17 that I break down the environmental process into five
18 components. The first component is the scoping process and
19 that's where we look at what the depth of the project should be.
20 It starts out with setting out the project and the alternatives
21 and then going out and asking the public: What do you think we
22 should look at in the environmental document? We had a public
23 scoping meeting in March, on March 20th, and maybe some of you
24 were here at that presentation.

25 After we take all the comments from the scoping, we
26 go on to the next step which is data collection and evaluating

BAY AREA COURT REPORTERS

1 the alternatives. And as part of that process, we had a public
2 workshop on May 15th, and I hope some of you were here for that.
3 At that point in time, we got to talk about Central Park and
4 Irvington Station and South Warm Springs area.

5 Then the consultant team and BART staff went back
6 and we prepared the environmental document and that
7 environmental document was sent out for public review on July
8 12th. And as Carolyn had said, the close of the public review
9 period will be August 26th so you have until August 26th to
10 write any input on the environmental document that you'd like to
11 see us answer in the final E.I.R.

12 Where we are tonight is at step four, which is the
13 public hearing in the middle of the public review process. And
14 this is where we get input from you on the adequacy and accuracy
15 of all the information that we've put into the environmental
16 document. If there's clarifications that you feel are in order,
17 if there's additional information you feel should be in the
18 document to make it adequate, we want to hear about that from
19 you.

20 Then what we'll do is take all these comments, both
21 from the transcript that will be made tonight and also from the
22 written comments on the card or any letters that are sent in,
23 and what we'll do is respond to those comments in the final
24 E.I.R. That's the last step, when we put together the final
25 E.I.R.

26 And then that information, the draft information,

BAY AREA COURT REPORTERS

1 the draft document and the comments and their responses create
2 the final E.I.R. which is given to the decision makers and the
3 BART board can make a decision on which project, what design
4 options, and how everything is going to be configured.

5 So I thank you for coming tonight for this very
6 important step. I and other BART staff will be up and down the
7 aisles tonight looking for anybody who wants a blank speaker's
8 card or to hand in your speaker's card so you can make your
9 comments, or if you want to write your comments that's fine,
10 too.

11 So I really want to thank you all for being here
12 tonight. And I think the next speaker will be Bill Dietrich,
13 who will give a small presentation on the alternatives and then
14 Doug Donaldson who will talk about the environmental impacts.

15 Thank you.

16
17 BILL DIETRICH

18 MR. DIETRICH: Thank you, Joan.

19 I'm going to give a very brief discussion of the
20 alternatives. Many of you have seen the earlier presentations
21 and/or have looked at the displays, but we thought it would be
22 appropriate to just give a brief overview, and I'm going to do
23 that with the help of a few viewgraphs.

24 Now, if you can hear me, the first comment, this
25 first map is the area that's involved in the extension and the
26 proposed project basically starts at the Fremont BART station,

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1 goes down through Central Park, down to a new station at
2 Irvington, continues south of Durham and Grimmer to a new
3 station at Warm Springs and a station just north of Kato Road,
4 South Warm Springs, just north of the county line. This is
5 basically a 7.8 mile extension. It involves three new stations.
6 And it's basically, after going through Central Park, it's
7 basically along the railroad corridor.

8 Now, the proposed project involves going aerial
9 through Central Park, but there are a number of specific design
10 alternatives that are also considered.

11 Basically, the proposed project would go across the
12 finger of Lake Elizabeth as an aerial alternative in going over
13 into the railroad area. There is an alternative that uses the
14 same alignment but that would be subway. That's Design Option
15 1.

16 Then there are several different alignment choices,
17 one that would go north of the finger of Lake Elizabeth and this
18 design option could be either aerial or subway. Both
19 alternatives were discussed to quite an extent in the
20 environmental document.

21 And then the third alignment is an aerial
22 alternative alignment that goes a little further north and
23 further away from the lake than the other options.

24 So that there are a total of five design options, if
25 you will, for design options, plus the proposed project through
26 Central Park area.

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1 In addition, then, to the design options and
2 proposed project, there are a number of alternatives. And some
3 of those alternatives are basically alternatives that do not
4 include an extension.

5 Alternative 1 being, basically, a no-action, status
6 quo alternative.

7 Alternative 2 is a no-action alternative but
8 includes programmed highway and transit improvements in the
9 Fremont area.

10 And Alternative 3 is an expanded transportation
11 system that includes additional high occupancy vehicle lanes and
12 plus transit improvements within southern Fremont.

13 Then there are a series of alternatives that are
14 looked at that are different types of BART extensions.
15 Schematically, we've tried to illustrate this with sort of stick
16 figure diagrams.

17 The proposed project, as we've said, was a
18 three-station extension with the Irvington/Warm Springs/South
19 Warm Springs Station. The project that was presented a little
20 over a year ago is labeled Alternative 4. It basically was a
21 two-station extension that involved BART being on the east side
22 of the railroads and the railroad being relocated so as to
23 provide room for it and with an Irvington Station and a
24 Warm Springs Station.

25 Alternative 5 is identical to Alternative 4 with the
26 exception that it uses the alignment of the proposed project.

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1 and let me back up a moment.

2 The crux of the proposed project really is that BART
3 would be between the two railroads at Irvington as it continues
4 south until it approaches the Warm Springs Station. So that the
5 distinction between Alternative 4 and Alternative 5 is that BART
6 was on the east side of the railroad where under Alternative 5
7 and with the proposed project, BART's between the two railroads
8 until it approaches the Warm Springs Station.

9 Alternative 6 is similar, again, to the proposed
10 project except that it excludes an Irvington Station. It has a
11 Warm Springs and a South Warm Springs Station, again, using the
12 same alignment as the proposed project.

13 Alternative 7 is similar to Alternative 6 except
14 that it has a slightly different alignment. In this alignment,
15 BART would be between the two railroads until it reaches
16 Washington. Then it would be off and to the east of the
17 railroad to Warm Springs and South Warm Springs so that the
18 difference between Alternative 6 and 7 is the effect of being to
19 the east of the railroads rather than between the two railroads
20 between Washington and Grimmer.

21 Alternative 8 is a total change in alignment. It
22 basically would take BART between the railroads as far as
23 Washington but then transfer across and run down the median of
24 Osgood Road and Warm Springs Boulevard with a station still at
25 Warm Springs and South Warm Springs. There, it would return
26 back to the railroad at the county line.

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1 Then there are several other variations that are
2 provided of different station types, Alternative 9, a
3 single-station extension to Warm Springs, again, using proposed
4 projects alignment and Alternative 10, a single-station
5 extension to South Warm Springs on the same alignment.

6 And then lastly, to fill in all the different
7 station opportunities, is Alternative 11. That has a station at
8 Irvington and South Warm Springs and no station at Warm Springs
9 and again, that uses the same alignment.

10 There are a number of alternatives, and the
11 differences between those as they apply to different
12 environmental issues is shown in the document if you read the
13 particular areas.

14 Basically, in summary, in terms of all these
15 different alternatives, we attempt to look at several different
16 alignments. Alternative 4 has a different alignment east of the
17 railroad; Alternative 7 has a different alignment; Alternative 8
18 has a different alignment.

19 And then a number of different station options: The
20 basic three-station extension, or a two-station extension to
21 Irvington and Warm Springs, or a two-station extension to
22 Warm Springs and South Warm Springs or a two-station extension
23 with Irvington and South Warm Springs and then single-station
24 extensions either to Warm Springs or South Warm Springs.

25 That's a very quick overview. And with that, I'm
26 going to ask Doug Donaldson to talk about the environmental

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1 elements that were considered in the process.

2
3 DOUG DONALDSON

4 MR. DONALDSON: Thank you, Bill. I think I'll speak
5 from this microphone here.

6 The preparation of a document of this size and
7 magnitude is necessarily a very complex undertaking. It's
8 perhaps one of the largest and most comprehensive E.I.R.'s
9 that's been prepared in this region in the last several years, I
10 think. The organization and the work that involved, in our
11 team, involves a variety of specialized professionals in a wide
12 range of disciplines and the multiplicity of disciplines ranging
13 from geology and biology, planning, environmental law, landscape
14 architecture, archaeologists and at least three or four
15 different areas of the engineering professions, acoustical
16 engineering, transportation engineering, and civil engineering.

17 In putting together the Environmental Analysis in
18 the report, we have attempted to respond to important issues
19 that were identified in previous studies on the extension in the
20 earlier E.I.R. on the previous project that was published last
21 year, and also some changes, important changes, have been made
22 during the scoping process of the last several months preparing
23 this E.I.R., including the addition of several design options
24 and mostly recently of Alternative 11.

25 As you can see from this slide, there are 14
26 separate areas of analysis contained in the basic environmental

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1 section of the E.I.R. which is Chapter 3, a full range of
2 analytical areas. I'm not going to take the time tonight to
3 highlight the basic findings in all of these areas. They are
4 summarized in the summary of the E.I.R. and, in fact, the
5 summary is provided verbatim as one of the handouts for this
6 evening. And it is an important document to look at for
7 specifically identifying the effects of the specific alternatives
8 in these areas of analysis.

9 Within each of these areas, we have attempted to
10 provide a comprehensive and relatively consistent and rigorous
11 formating. First, direct impacts in each of these areas, soils,
12 geology, ecosystems, whatever it might be, are identified, the
13 direct impacts of each of the alternatives, if they were built.

14 Then the construction period impacts are identified
15 and analysed as a separate area. Some of the alternatives would
16 have much more extensive construction impacts than others.

17 Cumulative impacts are a separate category or topic,
18 subtopic, under each of these areas that are identified in
19 Chapter 3 of the Environmental Analysis.

20 Mitigation measures are specifically proposed within
21 each of these topic areas and for each of the impacts that have
22 been identified.

23 And finally, you get to, perhaps, the bottom line,
24 the residual impacts. Those are the impacts that would be left
25 after mitigation is put in place. And that's how you come out
26 with determining what are the unavoidable adverse environmental

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1 impacts within each of these areas of each of the alternatives
2 and design options assessed in the E.I.R.

3 Significant impacts, residual impacts, unavoidable
4 impacts, are identified in the document. They're summarized on
5 pages S-7 and S-8 which is in the summary handout tonight, also
6 in the summary of this document and also in Chapter 5 of this
7 document.

8 And unavoidable adverse effects would occur in the
9 seismicity area, for the first topic; also in the ecosystems
10 area, there are some residual unavoidable adverse effects that
11 would occur with almost any of the alternatives.

12 In the land use area, the potential relocation
13 impacts of the proposed project and the build options, the build
14 is identified as a significant unavoidable adverse effect.

15 In the Central Park land use and recreation topic,
16 there are also significant unavoidable adverse effects that
17 would occur with Design Options 2 and 3 and the proposed project
18 as well.

19 In the visual area, the E.I.R. identifies probably
20 about six or seven different unavoidable adverse effects. They
21 vary with specific options and with specific alternatives that
22 are chosen. Certainly, the visual impacts of the aerial
23 structures in the Central Park area is identified as a
24 significant unavoidable adverse effect in that subject area.

25 Traffic impacts, there are also significant
26 unavoidable adverse effects that would occur with some of the

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1 alternatives. In the traffic area we look, primarily, of
2 course, at the impacts around each of the stations because
3 that's where the biggest effect on the local transportation
4 network would occur with the Warm Springs extension.

5 And finally, in the noise area, unavoidable adverse
6 effects are identified. Some would occur in Central Park with
7 the aerial options and others would occur at several selected
8 locations. Alternative 8, which is the one that follows Osgood
9 and Warm Springs Boulevard, has the most unavoidable adverse
10 noise effects.

11 I could go on at some length in trying to summarize
12 the findings of the document, but really, I don't think it's
13 appropriate to do that tonight. The real purpose of the meeting
14 is, of course, to listen to you, to find out your comments on
15 the adequacy of the E.I.R. and identify issues that we might
16 want to go back and clarify or amplify more on.

17 So with that, I'm going to conclude my summary of
18 what's in the document, how the Environmental Analysis was put
19 together, and turn it back over to Carolyn so that we can
20 actually listen to you, which is the purpose of the meeting.

21 Thank you very much.

22 MS. VERHEYEN: Thank you, Doug and Bill and Joan for
23 that quick lesson or refresher course on the environmental
24 review process.

25 Now, we'll begin to hear your comments. Please pass
26 your speaker cards to the staff in the aisles if you haven't

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1 done so already. Again, we'll invite each speaker to the
2 microphone in turn. And we'd like you to keep your comments
3 brief in respect to other people. And we'd like you also to
4 speak to the issue at hand, which is the environmental effects
5 of the Warm Springs extension.

6 Really, the public hearing is designed to receive
7 your comments, your input, on the subject so that they can be
8 responded to very directly in the final E.I.R. If you have
9 questions as a result of the presentations you've heard or
10 anything else you hear tonight, we suggest you stick around a
11 little bit until the end of the evening. BART staff and
12 consultant staff will stick around a little while afterwards to
13 receive your questions and hopefully answer them.

14 If you can't stay, or if it's too involved, please
15 feel free to call the BART extensions hotline. That number is
16 in the latest version of the Warm Springs Extension Newsletter
17 but I'll also give it to you now. It's (415) 734-8733. It's a
18 24-hour hotline. You might leave a message, and they'll get
19 back to you and answer your questions.

20 So I'd like to call the first two speakers. We'll
21 hear from Kunle Odumade from the City of Fremont first, and
22 Jeff Asay will be next.

23 Jeff, if you'd like to get ready.

24 Kunle, please.

25 Also, please state your name for the record right
26 before you speak.

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KUNLE ODUMADE

MR. ODUMADE: Good evening, Mayor Gary Mello couldn't be here tonight. He had to attend another meeting, so I apologize on his behalf. I'm going to read the statement for him.

"On behalf of the citizens of Fremont and the Fremont City Council I welcome BART Directors and BART staff to the City of Fremont.

"The City of Fremont continues to recognize the need to provide more transportation capacity in the heavily-traveled corridor between Alameda County and Santa Clara County. The City Council supports BART's efforts to extend service to Warm Springs and sees the project as an important first step toward extending service to Santa Clara County. The citizens of the City of Fremont have a history of supporting important regional transportation improvements such as the Warm Springs Extension. In recent elections, Fremont voters supported measure "B" and Propositions 108, 111 and 116, all of which provided financing for BART extensions. Indeed, Fremont's support for BART has been disproportionately greater than the benefit Fremont citizens have received.

"Our history of support for the Warm Springs Extension, however, does not mean the City of Fremont

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1 will allow the extension to be built without insuring
2 the significant environmental impacts of the project
3 are properly mitigated. While the new draft E.I.R. is
4 an improvement over the document which was published
5 last year, we were disappointed the draft E.I.R.
6 didn't do a better job of specifying the subway
7 options as appropriate mitigation in Central Park and
8 clearly identifying BART's responsibility for traffic
9 mitigation measures.

10 "Central Park is a unique and very special
11 resource. The park is just as important to Fremont
12 and Southern Alameda County as Golden Gate Park is to
13 San Francisco, and it should receive the same
14 sensitive treatment a BART extension through Golden
15 Gate Park would receive.

16 "The City Council will send its written
17 comments on the draft E.I.R. to BART prior to the
18 close of the review period on August 26th, 1991. We
19 are monitoring public comments at tonight's meeting
20 and will also hear public comment at the City Council
21 meeting on August 20, 1991 prior to finalizing our
22 response letter. I want to thank you for the
23 opportunity to be heard this evening. The City of
24 Fremont looks forward to continued close coordination
25 with BART as this project proceeds."

26 Thank you.

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1 MS. VERHEYEN: Thank you. I might add that
2 Mr. Odumade is Acting Transportation Engineer for the City of
3 Fremont.

4 Next we'll hear from Jeff Asay and Hart Rumbolz.
5 Jeff Asay with Union Pacific Railroad.

6
7 JEFF ASAY

8 MR. ASAY: Thank you. My name is Jeff Asay. I'm a
9 staff attorney with Union Pacific Railroad and I had the
10 opportunity to speak before at the earlier meeting. And since
11 that time, we've worked with BART's staff and their design
12 people to try to mitigate some of the impacts on the railroad.

13 I would like to say, however, that Union Pacific
14 Railroad is not really comfortable with the proposals for the
15 Irvington Station, primarily. Alternative Number 4 is the one
16 that we were talking about last year, and we had a lot of
17 problems with that, and it's still one that we cannot live with
18 from an environmental standpoint.

P-25

19 It puts the Union Pacific and the Southern Pacific
20 very close together in a long tunnel. And we just do not think
21 that that is, environmentally, a good idea. To get the trains
22 under the station, the front half goes down and then the front
23 half goes up. The back half is still going down while the front
24 half is still going up. It puts in motion a set of forces on
25 the train. As the locomotive is going up the hill, it's putting
26 out more smoke; it's making more noise. And if, unfortunately,

PD-27

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1 there should be a derailment in a tunnel like that, the
2 logistics of trying to clean it up would really be a nightmare.

3 We have real problems with security, I think.
4 Unfortunately, we have a problem with a lot of people being on
5 our tracks, and we think a tunnel would probably encourage that
6 activity. So the security would have to be really strong.

7 The alternative, the proposed project station at
8 Irvington is a little bit different and it's better. It keeps
9 the Union Pacific and the Southern Pacific on opposite sides and
10 it isn't, as I understand it, in such a long tunnel.

11 But nonetheless, we don't like being down in a hole
12 and having to go down the hole and then go up the other side.
13 As recent events, unfortunately, have called to our attention,
14 we really do have to think about all the things which impact on
15 trains. And this is one of them what we call the buff forces,
16 the train going different -- one side going downhill, one side
17 going uphill.

18 The Alternative Number 4 alignment was unacceptable
19 because it pushed us too close to the Southern Pacific, and it
20 blocked us from the east side. The proposed alignment is
21 better, south of Irvington, and that's satisfactory.

22 I would say, to close up -- and I have to get my
23 score card out here. Alternatives 4, 5 and 11 are not
24 acceptable, from Union Pacific's point of view. And 6, 7, 9 and
25 10 would seem to us to be appropriate.

26 Thank you.

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1 MS. VERHEYEN: Thank you. Next we'll hear from
2 Hart Rumbolz and then William Schriever.

3
4 HART RUMBOLZ

5 MR. RUMBOLZ: My name is Hart Rumbolz. I'm
6 co-chairman of Transit Advocates Group. I live at 2921 Miles
7 Drive, M-i-l-e-s, in Santa Clara.

8 We don't really have an argument to this extension
9 at all, especially since Santa Clara County might choose a
10 standard rail system using existing rails to meet with BART
11 there near the Scott Creek Road or the South Warm Springs
12 Station. Of course, we would expect there to be another --
13 there should be room for the Santa Clara County Transit's train
14 station or Caltrain, whatever we want to call it, within walking
15 distance to the BART station so people could transfer off of
16 Santa Clara's system, walk a few feet over, and transfer on to
17 BART.

18 In regards to the Fremont park, we would like it to
19 be as minimally environmentally impacted as possible. We would
20 like it to go way around the park if possible. We don't know
21 the history of BART, but we wondered why the original Fremont
22 line wasn't just extended further around north or east anyway
23 where the existing tracks are. We don't know why they chose it
24 to go right down there to downtown Fremont and then dead-end
25 right at the park. It seems to me it's poor planning.

26 We also have concerns over the high cost of BART in

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1 general and the time delay that it takes. BART is very slow.
2 It takes a long time to get anything done.

3 And we take exception to some of your plans outside
4 of your district, namely, the running the line from Menlo Park
5 down to San Jose. We feel that San Mateo County and those
6 people there are Caltrain supporters, and they like Caltrain.
7 And they don't want to go with BART. The reason why they voted
8 in BART was just for the airport extension, although Caltrain
9 has plans to go to San Francisco Airport, too, within the near
10 future and have an upgraded and modified electrified train
11 similar to BART.

12 Also, Caltrain's short-range plan calls for the
13 coming over the Dumbarton rail bridge to Fremont within a very
14 short time and we expect BART and Caltrain to have a station
15 there for a transfer, again, so passengers can come over from
16 the west bay and get off if they want and then transfer to BART.

17 But we just hope that -- well, we don't care -- we
18 care, but we realize that Alameda County needs BART. And it's
19 their system; they voted for it, so they can do what they want
20 with it. But we just have these concerns that we'd like to
21 voice.

22 Thank you.

23 MS. VERHEYEN: Thank you very much, Mr. Rumbolz.
24 William Schriever please. Next, we'll be hearing
25 from Robert O'Connor.

26 Mr. Schriever.

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1
2 WILLIAM SCHRIEVER

3 MR. SCHRIEVER: I'm going to talk about the seismic
4 aspects of this thing. Page 3.228 of the Environmental Impact
5 Report makes a statement:

6 "The subway portions of Design Options 1 and
7 2-S do not cross the fault trace. Since fault rupture
8 is restricted to areas along the fault, there is no
9 potential for fault rupture impact on the subway
10 structure."

11 Now, I just don't agree with that. How ever
12 convenient it may be to make that statement, it seems to me that
13 when you make a trench in the ground parallel to a fault, a deep
14 trench, and a long trench, and you have an earthquake, it seems
15 to me quite probable that the rupture may break through into
16 that trench rather than follow the old rupture.

G-12

17 I don't think there's anything that guarantees, as
18 suggested elsewhere in this report, that by passing legislation
19 that you can guarantee that the fault will break where it broke
20 before. Even if it's state legislation.

21 In the section on the probability of an earthquake
22 causing a train to derail, the arithmetic there is correct, but
23 I don't consider that discussion complete. What is calculated
24 there, it says:

G-13

25 "The combined probability of an earthquake
26 event occurring while a train was within the fault

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1 zone is approximately 1 in 50."

2 And I guess that's probably true if the train is, in
3 fact, always going 38 miles per hour and you have three fault
4 zones and the other assumptions that are made there, you, in
5 fact, get that number.

6 It turns out if the train's going twice as fast, the
7 probability is half as much. It would be 1 in 100. So if you
8 could just make the train go fast enough, the probability would
9 be practically zero.

10 What's ignored there is the time it takes to stop
11 the train in anticipation of the bent track. That is completely
12 left out of the calculation. And if that's put in there, then
13 you will get probabilities that are somewhat higher than what's
14 anticipated there. And that probability, we're talking about
15 ten seconds roughly, that the train would be within the fault
16 zone, in any one fault zone.

17 I don't know how long it takes to stop a train, but
18 they don't stop real fast. And even if you had a communication
19 system that would sense the earthquake and put on the brakes
20 automatically, the train could very easily take 30 seconds to
21 stop or a minute or something like that, without throwing the
22 passengers through the door. And when you compare that to the
23 ten seconds that you've already allowed, you could see that the
24 probability could very well be five times as great as
25 anticipated there, that you could get an impact from a moving
26 train relative to the fault.

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1 I think that the discussion is just inadequate when
2 it comes to discussing the environmental impact on human beings
3 relative to the subway aspects of both the Irvington Station and
4 the Central Park. It mentions liquefaction in there occurring
5 with respect to the tunnel and it assumes that the tunnel is not
6 ruptured and then says, well, it could be cracked and there
7 could be water infiltration. Well, with a lake there to supply
8 the water, there could be a lot of water infiltration and
9 everybody on the train could drown by the time you got your
10 rescue efforts going.

G-14

11 It seems to me that that whole discussion is just
12 much too cursory for a serious project.

13 MS. VERHEYEN: Thank you for that comment.

14 We'd like to hear from Robert O'Connor and then
15 we'll hear from Mark Hirsch.

16
17 ROBERT O'CONNOR

18 MR. O'CONNOR: Good evening. My name is
19 Robert O'Connor. I live at 2376 Jackson Street in Fremont.
20 I've been a 30-year resident of Fremont, and I have some serious
21 problems.

22 Lake Elizabeth is a jewel to the City of Fremont.
23 It is the diamond in the center. And I think BART would simply
24 be a blight, to be an aerial tramway or bridge across the lake,
25 and I would like to see -- more than like. I don't know how to
26 stress this -- almost demand that we have a subway. I think we

P-28

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1 were promised one years ago. Every problem has a solution. The
P-28 2 alternatives we have been shown are not it. I believe that
3 every solution can be improved.

4 Furthermore, I would like to see the subway continue
5 under the lake and continue under Paseo Padre, under
6 Washington Boulevard and then to the station which would be
7 underground because we also have great problems with the trains.
P-29 8 I'd like to mention that to the railroad lawyer right now. The
9 trains are getting longer and they're getting slower. And I'm
10 sure anyone that's driven down Paseo Padre -- they also seem to
11 time them for the commute. I've been stuck there at 8:00
12 o'clock in the morning and 5:00 in the evening, and the trains
13 are just barely moving.

14 I was told that the Warm Springs yard -- and I think
15 this was for Southern Pacific -- is now their main yard in
16 Northern California, that the impact is just too great with the
P-30 17 railroads. And I do like the one part of the alternatives where
18 they would put both the railroad tracks underground. I think
19 that's a great idea. The lawyer said he doesn't like them close
20 together. There's another alternative where they can spread
21 them farther apart. That's fine.

22 I had another thought, that BART's response to the
23 subway has been that the money's not there. I was thinking that
P-31 24 we could eliminate the South Warm Springs Station. I didn't see
25 that on any alternatives when he mentioned them eliminating a
26 different station. Every one of them kept the South Warm

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1 Springs unless they got rid of both the stations.

2 And if we eliminate the South Warm Springs
3 Station -- because I feel the South Warm Springs Station is a
4 gift to Santa Clara. And Santa Clara has been very arrogant.
5 They do not want BART. I don't see BART continuing into
6 Santa Clara. And it's just simply a gift to them that we cannot
7 afford -- that money for that station, that part of the track,
8 could be used for subway, and we could just stop it at Grimmer.

9 I also wanted to touch on the fact that we have a
10 good historical resource on the corner of Washington Boulevard
11 and Osgood. There's an old historical winery. I would like to
12 see that not impacted too greatly, that we do something with the
13 bricks or something and save some of that historical resource at
14 that point.

C-3

15 And then I had just one last thought to
16 Mr. Schriever's comments: The City of Fremont has a long
17 history of moving the fault. All they do is rewrite it on the
18 map. It goes right around City Hall, either side they want. So
19 I don't think there'll be any problems with earthquake
20 mitigation. We just simply move the fault.

21 MS. VERHEYEN: Okay. Thank you for those comments.

22 We'd like to hear from Mark Hirsch and then
23 Bill Pease.

24
25 MARK HIRCH

26 MR. HIRCH: Thank you. I'm Mark Hirsch. My office

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1 is at 1550 Washington Boulevard. My comments mainly surround
2 the existence of the Irvington Station.

3 I'm a member of the Irvington Business Association.
4 I've lived here all my life. For many of us in Irvington, we
P-32 5 believe the Irvington Station is critical for a number of
6 reasons:

7 Number one, it allows us to complete the existing
8 transportation problems that we have in the area, as the
9 gentleman before me indicated. Because right now, if you try to
10 go through that area with the trains going through morning and
11 evening, it really is a traffic problem. This gives us a golden
T-35 12 opportunity with recessed railroad tracks and with BART going
13 through the area, to really take care of that problem and to
14 really do things the right way to minimize the impact and to
15 improve overall traffic circulation. Also, if the lines are
16 handled in the right way, it will improve the quality of life
17 for a lot of people who live in that area and have businesses in
18 that area as well.

19 The Irvington Station will be the last component of
20 the redevelopment of Irvington which I'm sure most of the people
21 here are familiar with, where we actually widen the streets and
22 improve the existing surrounding area. This will allow us to
LU-20 23 make the BART station area into a major transportation center
24 and for a lot of senior people that live in the area that don't
25 have other transportation alternatives, this will work out
26 extremely well for them and will also allow for the completion

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1 of the circulation in the area.

LU-20

2 Lastly, the old Gallegos Winery facility across the
3 street is something that should be tied in with what we do so we
4 do it in a proper way to make that a bit of an asset for our
5 area because it does have a lot of history and it is a
6 significant structure. And it needs to be done in the correct
7 way so as not to be destroyed in the process we're talking
8 about.

C-4

9 Thank you.

10 MS. VERHEYEN: Okay. Now, we'll hear from
11 Bill Pease who also represents the Irvington Business
12 Association.

13 Next after Bill will be James Boissier.

14
15 BILL PEASE

16 MR. PEASE: All right. Bill Pease, 4009 Fremont
17 Boulevard. I'm currently president of the Irvington Business
18 Association. I'm here this evening to convey our support for an
19 Irvington Station. A station as proposed by BART with depressed
20 tracks and depressed BART through the station utilizes the land
21 to it's optimum and allows for the best solution of traffic and
22 the visual impacts.

P-33

23 As was mentioned earlier by a spokesman for the
24 railroad, they don't seem to want to have a little incline or
25 something going through the station. I think mathematically
26 that can be corrected very easily with a depressed route going

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P-34 1 from Paseo Padre all the way through the station so there's very
2 little incline going in and out.

P-35 3 As far as security goes, railroad tracks have been
4 there a hundred and something years. I think BART has an
5 excellent security record, and between the two of you, you
6 should be able to figure that out.

T-36 7 The Irvington Station has strong support from the
8 community, and also, we were at the community workshop. One of
9 the things that was brought up at that particular time was the
10 option of making the Irvington Station a multi-modal
11 transportation hub, combining AC Transit along with BART and the
12 automobile.

T-37 13 And one of the possibilities of doing that is that
14 the current 680 freeway goes right through and makes a curve or
15 sharp bend just above Osgood Road. There's an overpass or
16 interchange that's already completed that goes nowhere, and that
17 was to take care of the proposed freeway running along the
18 hillside. With a little bit of thought, that particular
19 interchange can go directly right down into the Irvington
20 Station parking lot and eliminate traffic coming down from
21 either Santa Clara County and/or the Pleasanton/Sunol area which
22 will take traffic off the Fremont streets.

23 Why that's not addressed in the E.I.R., I'm not
24 sure. I didn't find it. Maybe I missed it somewhere, but that
25 was brought up at the community workshop as well as a
26 depressed-route option through Lake Elizabeth. That particular

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1 subject was discussed at length. That's not in the E.I.R.
2 Whether that's doable or not, I'm not sure. I'm not an
3 engineer, but I think that should be addressed.

4 As far as the lake and the problems that we have
5 either over or under, personally, I'm not opposed to the visual
6 aspects. I have been in the Orlando area and you could use P-36
7 Epcot as, say, a model if you will, but I came to the conclusion
8 after attending the workshop and the community meetings,
9 et cetera, that visually, that's one aspect.

10 The other major problem is the noise, and that's an
11 impact that can't be mitigated. So therefore, we believe that a P-37
12 subway route or depressed route through the lake should be the
13 alternative.

14 As far as funding for that, we've been in contact
15 with the Delaine Eastin's office, Bill Lockyer's office, and
16 there seems to be a possibility of federal funding available for
17 the additional expense if it's needed on the federal level. We
18 have Don Edwards who is in the House Transportation Committee.

19 Alameda County area is a self-help community. As
20 far as BART transportation, we're paying taxes. When issues of
21 this nature came up before the legislature, self-help
22 communities receive a lot of -- well, I wouldn't say
23 preferential treatment because we are paying our own way. So I
24 think that the funding dilemma that we've been wrangling with
25 for the last couple of years is probably something that can be
26 worked out.

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The object of, I think, our whole discussion here this evening is to try and get BART through Fremont. We want to make BART a transportation system that's able to go all the way around the bay. I know there was a little discussion earlier about some of the people on the peninsula who don't care for BART. Inevitably, I believe, whether it's in my lifetime or not, BART will definitely go around the bay. It makes sense.

Santa Clara County, there are discussions behind the scenes, and I think there is an indication there that they're willing to come into the system provided they can see the light at the end of the tunnel, if you will. So part of the philosophy here is to get the funding lined up, but also, make some movement. Get BART going toward Santa Clara County.

Thank you.

MS. VERHEYEN: Thank you, Bill.

Next, James -- Boissier?

MR. BOISSIER: Yes. Very good.

MS. VERHEYEN: Okay. And then we'll hear from Dehnert Queen.

JAMES BOISSIER

MR. BOISSIER: My name is Jim Boissier. I live at 4723 Valley Park Avenue, and I'm the vice commadore of the Fremont Sailing Club. And I don't know that anybody's addressed the impact that the construction of this elevated train would have on recreational use at the lake as it pertains to sailing.

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1 In the BART newsletter I received here tonight, it
2 establishes temporary sailing courses on the lake, and
3 unfortunately, with the raised train tracks, these would become
4 permanent changes to the racing courses on the lake and would
5 probably render the east side of the lake useless, as far as
6 sailing is concerned, due to air turbulence. We noticed a
7 significant difference in the sailing on the lake after this
8 building was built. The wind tumbles across the lake and moved
9 our finish line for the races.

10 The sailing club gave quite a bit of input into the
11 design of the lake back in the '60's when it was built, and we
12 were happy to see it expanded a couple of years ago. It allowed
13 us to have regattas, open regattas, and bring in other sailing
14 clubs to sail with us. A lot of them can't believe we have our
15 own lake to sail on. We're so lucky to have a lake. A lot of
16 sailing clubs don't have a lake to sail on and kind of dwindled.
17 But what we'll end up with is a severe reduction in the amount
18 of the lake that we could use for sailing and possibly it would
19 be a safety hazard to new sailors due to severe wind shifts,
20 particularly down near the island.

21 And I would think that any landscaping that could be
22 large enough to cover the train tracks would certainly be
23 detrimental to the flow of the wind down the lake. We think it
24 would be a serious mistake to render the lake useless for
25 sailing when sailing was instrumental in getting the lake built
26 in the first place among all the other uses that the lake's

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CP-26 1 there for. That's all.

2 MS. VERHEYEN: Thank you. Next we'll hear from
3 Dehnert Queen and then Chuck Journey.

4
5 DEHNERT QUEEN

6 MR. QUEEN: Good afternoon. My name is
7 Denhert Queen. I am the C.E.O. of the Small Business
8 Development Corporation, and as of last Saturday, I am also a
9 candidate for Mayor of San Francisco, and after you hear my
10 testimony, you will understand why.

11 The reason I came over today is that I've been
12 involved in the M.T.C.s in the East Bay and peninsula's E.I.R.s
13 now for almost six years and I've learned the hard way, that
14 which is presented, isn't necessarily what's going on. It's a
15 little complex to say in three minutes, but I'm going to give it
16 a try. And I have a number of documents that I'll be leaving
17 behind that I'd like to have some of the people here read. But
18 I'll give you some of my basic comments here, first of all.

19 First of all, it's unreasonable to expect the public
20 to read a 500-page document, to assimilate it, understand it,
21 come up with cogent comments, put it down in writing and get it
22 to this body in 30 or 45 days. And I've already asked the
23 M.T.C. to expand whenever they have projects this large to make
24 it at least 90 days because there's no way you can do it. It's
25 essentially a rush, snow job.

26 Secondly, essentially, in my view, having the BART

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1 do the E.I.R. is conflict of interest. They're essentially
2 expanding their own empire and there are other alternatives
3 which they have not addressed. And you have to understand that
4 over the last few years, government has grown to be the fourth
5 largest industry in the Bay Area, and with BART, it's going to
6 be number two. Because there's not enough money to run BART
7 around the bay. But that's just a comment.

8 Something else you don't know is that the M.T.C. and
9 BART are working, putting together what's called a Joint Powers
10 Agreement which allows them to allocate toll revenues for
11 commitments to BART extensions. And the reason why, the thing
12 they don't show in the E.I.R.s, is that most of this stuff is
13 done with bonds.

14 And every time you get a bond for a dollar, I'm just
15 going to figure it at 10 percent for 20 years, it essentially
16 doubles. For every dollar you take in borrowing, you pay back
17 about two. So let's just say this project's 600 million. It's
18 a lot of money, folks. And I'm just saying we're looking at
19 expanding this thing roughly six or seven miles, for, depending
20 on how you count, 600 million to 1.2 billion dollars. And it's
21 only going to carry another 6,000 passengers somewhere in the
22 year 2,010. So I don't know how much we have spent for this
23 E.I.R., but anyway, I'll go on.

24 One of the reasons why these problems are going on
25 is that Mr. Boatwright, our representative, passed a bill not
26 too long ago that gave counties the authority to have their own

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1 transportation authority, and they've essentially diluted the
2 M.T.C. You keep hearing about Rod Diridon and Tom Nolan and
3 everybody else talking about Bay Vision 2020, and we've got to
4 have regionalism. Meanwhile, they're crippling the only
5 regional planning entity that we have in the Bay Area. And
6 quite honestly, the only reason they're coming up with doing it
7 to the Bay Vision 2020, is the Bay Area Air Quality Board is
8 what's giving these major plans that the M.T.C. and ABAG has
9 cooked up and the only way they can get around it is to usurp
10 the Bay Area Air Quality Board. That's what Bay Vision 2020 is
11 going to do, put them in a back room department.

12 Now, under Section 21002 of the legislative policy,
13 that's the CEQA Rules:

14 "All feasible alternatives or mitigation
15 measures have to be shown in the E.I.R."

16 And then under another, Section 15088 of CEQA. As
17 of today, I'm going to present another alternative that under
18 the law, they have to address either in this E.I.R. or in a
19 supplemental E.I.R. and if they don't, according to all the
20 rules and the legislature and the statute, this project will
21 fail.

22 Now, I've gone through this before. And the problem
23 with all of this is, there's all these laws out there but --
24 excuse the French -- there is not one God damn bit of
25 enforcement. The M.T.C. drives their E.I.R.s through there any
26 way they want; the City and County of San Francisco drives them

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1 any way they want. If anybody doesn't like it, tough. If you
2 want to go and spend the money to try and go to court, you can,
3 but the judges tend to throw it out of court.

4 The only way to get an E.I.R. to work, is that the
5 public, who's going to pay the bills, stands up and insists that
6 they do it right before they certify the E.I.R. Otherwise,
7 there is no stopping it. I'm not an attorney, but that's a
8 pretty strong opinion.

9 Now, there's another section that's called 15131.
10 And essentially it reads:

11 "Social economic impacts --"

12 Of which you don't see a darn thing bit in this
13 E.I.R., do you? Not a thing. Nothing about costs to speak of,
14 nothing about social economic impacts. But anyway:

15 "Social economic impacts shall be considered
16 when a change of cause and effect to actual physical
17 changes can be demonstrated."

18 Well, I can demonstrate that this project, the way
19 it's going to be designed, is going to substantially increase
20 density of population. The thing you've got to keep in the back
21 of your head is density.

22 Secondly, that's going to impact traffic.

23 Thirdly, that's going to impact air quality.

24 And finally, that's going to impact our children.

25 And I'd like to read you a short little paragraph.

26 MS. VERHEYEN: How short?

LU-21

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1 MR. QUEEN: Very short.

2 MS. VERHEYEN: If you'd like to start wrapping up,
3 that would be great, Mr. Queen. Do you have your comments
4 written and available for --

5 MR. QUEEN: I've been giving it to you guys to read
6 for so long, you've probably got it memorized just like I do.
7 I'd like this for the public.

8 It impacts our children because they're not saying
9 to you -- there's also a Bay Area air quality social economic
10 impact regarding the M.T.C. transportation plan for the whole
11 Bay Area. And essentially, because they can't make the problems
12 go away, they're going to start charging businesses to pay for
13 the these fix-ups for these problems. And I can't remember the
14 number in my head, I was going to look it up before I got here,
15 but I think it's about \$3 billion, and I can get a harder figure
16 for you. But things are just not as they appear here. All
17 right. And I have a substantial number of documents to back up
18 what I'm saying.

19 And here's my alternative: My alternative is that I
20 think extending BART to a parallel track along the S.P. or U.P.
21 tracks probably makes sense and to make it so there's a station
22 of roughly ten -- a thousand feet so that people can get off
23 BART and walk right across the platform to a regular train and
24 then take the train down from where it comes from the north down
25 to San Jose, connect it to the Caltrain system. It can be done
26 much faster. It can be done with a lot less expense. And this

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1 way, it will also connect with a Caltrain systems going up and
2 into San Francisco.

3 Now, moreover, there's also another plan called the
4 Baker Plan -- no, no, no Hannigan Plan that connects rail
5 service throughout the whole East Bay, points east, Los Angeles
6 and most importantly, also provides freight service for ocean
7 commerce, which I could also comment on.

8 The B.C.D.C. is trying to kill commerce. And, in
9 fact, August 1st, they were supposed to try to pass a resolution
10 to stop dredging which would put about 80,000 guys out of jobs,
11 which is about \$6 billion of our economy. So trains and BART
12 are not the same thing.

13 The nice thing, if we were to put our money into
14 having -- I don't care if it's a separate entity -- but put
15 another set of tracks down there for people and transit and make
16 sure we help the public pay for the freight because right now,
17 railroads have to pay everything. And railroads, down the road,
18 are going to save our butt, okay.

19 MS. VERHEYEN: Okay.

20 MR. QUEEN: Not now, but if we're going to get into
21 ocean freight and some other things for some real jobs. I could
22 go on and on and on, but they always cut me off so that's the
23 essence of it. And I'm going to put all this in writing before
24 the due date.

25 MS. VERHEYEN: Thank you, very much for your
26 comments.

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1 Okay. I've got about 12 or 15 cards here so, again,
2 try to be brief in fairness to others.

3 Chuck Journey and then next we'll hear from
4 Linda Susoey.

5
6 CHUCK JOURNEY

7 MR. JOURNEY: I'm Chuck Journey, 41655 Osgood Road.
8 I'm not as well prepared as my predecessor. I just have a
9 few outside observations.

10 I think we need 7.8 miles more of track. I really
11 question whether we need three stations to do that. I think
12 Rapid Transit would be served by two stations eliminating an
13 Irvington Station. Just an outsider's view, it seems we're
P-38 14 really posturing about subway or aerial around the lake. It's
15 very silly, any other option, besides subway. These hard
16 right-hand turns around the lake are silly, and Design Option 8
17 is really silly, a right-hand turn at Osgood Road. Anyway,
18 those are my comments.

19 MS. VERHEYEN: Thank you. Linda Susoey next. Then
20 we'll hear from Mohinder Singh.

21
22 LINDA SUSOEY

23 MS. SUSOEY: My name is Linda Susoey, and I'm
24 supposed to be the next mayor, possibly, at the end of the year.
25 I have written a letter to congressman Don Edwards here to
26 mention about BART going above and around the lake I'm trying to

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1 go the farthest east of the lake so I don't mess with the boats
2 or anything and make a tiny bridge over the water, follow the
3 railroad track to Warm Springs.

4 And right now I'm not sure if we need South Warm
5 Springs or Warm Springs, but if I do win the election, I'm
6 thinking of a Giants stadium so I have to think of the best spot
7 to connect with BART so we do have the Giant's stadium. So I
8 hope you do get to the point where you do play ball with me and
9 the Giants or strike out, whoever gives us any B.S.

10 The other thing I'm thinking of is possibly the
11 three stations, 500 million, our taxpayers really don't have it.
12 If we put that in and it doubles to -- 500 million would be a
13 billion, wouldn't it?

14 So what I'm saying, we keep getting deeper in the
15 hole and Mello -- City Councilman Mello and Loisel said only
16 we're a million and a half in debt. Now, this budget says 81.5
17 million. So it seems like we keep getting deeper in the hole.
18 And I'm saying, when are we going to get out. So as long as it
19 costs our taxpayers, I hope they do put it above and around.
20 Like I said, it doesn't have to go real high.

21 And I've ridden the trains in Hayward where it's
22 near the houses, and I don't hear one peep. The trains are loud
23 and the BART is very quiet. So I don't know how it could bother
24 anybody.

25 So as long as it does cost our taxpayers, I say
26 above and around like you say because -- and three stations I

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P-39 1 cannot go for. It's one in Warm Springs. Like I said, I am
2 confused between the Warm Springs and South Warm Springs. I
3 have to decide which is the best area so I might have to talk to
4 BART officials a little bit later.

5 MS. VERHEYEN: Thank you, very much.

6 Mohinder Singh and then we'll hear from James Lieb.
7 Feel free to get up and get some cookies and coffee and make
8 yourself as comfortable as possible.

9
10 MOHINDER SINGH

11 MR. SINGH: May I face my audience, please?

12 MS. VERHEYEN: Yes, if you'd like.

13 MR. SINGH: Thank you. Good evening. I'm
14 Mr. Mohinder Singh. I live at 2895 Hancock Drive off of
15 Paseo Padre.

16 I must confess at the outset, that I am a BART
17 employee but not a spy. I am a station agent who works at
18 Fremont Station and I'm sure quite a few of you who ride your
19 lovely BART must have seen me. But tonight, here, I am as a
20 private citizen of Fremont because I pay some taxes, too. Last
21 time, also, I spoke on the subject, very briefly, and I hope to
22 be very brief tonight also.

23 The question is, three in front of us. As I see it,
24 one is saving the lake and the park which must be done.

25 Secondly, to have how many stations down the line up
26 to the end of Warm Springs North. We have to keep in mind the

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1 citizens who are paying heavy taxes up on the hill in the
2 vineyards -- I wish we had never built that district and kept
3 the vineyards there, but anyhow, since it's done, it's done --
4 but they pay heavy taxes, and they do also expect a station
5 somewhere in their vicinity.

6 And Irvingtonians I must compliment them, have
7 really done a marvelous job of taking back this town and
8 sprucing it up. And they also expect the BART to stop by in
9 their neighborhood which, incidentally, would be closer to my
10 house so I'm more interested perhaps in that, and I'll come to
11 that a little later.

12 And regarding the last station down the line,
13 whether it should be in Milpitas or this side of Milpitas or
14 where, or if we want to gift it to Santa Clara or not is another
15 question.

16 Gentlemen, since the last meeting, I did some
17 research of my own. The Irvington Station is going to cost us
18 \$50,000,000. Putting the BART under the lake is also exactly
19 \$50,000,000. So the choice becomes very clear that if we could
20 save \$50,000,000 somewhere, then we don't have to beg and borrow
21 from anyone. We could go under the lake.

22 I've seen citizens going there at 5:00 o'clock in
23 the morning 6:00 o'clock, 7:00 o'clock, rain, winter, summer,
24 autumn, relaxing, enjoying, after the hard day's work trying to
25 lower their blood pressure, keeping their cholesterol low, and
26 it really turns me on. We don't want to have BART going

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1 "screech" overhead and here our citizens go to relax and enjoy,
2 and we get distrubance and raise their blood pressure and
3 cholesterol. Surely we don't want that, not when we are coming
4 to the end of the 21st century.

5 Please if, geologically, we can prove that this
6 fault line can be shifted away on the map -- no, no, no, sorry.
7 It has to be there. If we can keep away from the fault line and
8 the BART engineers can come up with a foolproof system that can
9 withstand a magnitude of 8.5, then I think it will be worthwhile
10 first putting our eyes down to saving the lake and the park.

11 I've seen people coming from San Francisco, yes,
12 San Francisco, with their cycles and getting off and asking me,
13 "Where is Lake Elizabeth?" And you have my word for it, honest
14 to God. So let us save the lake.

15 Number two, now, let's get other stations. Do you
16 want one at Irvington or do you want a little further down at
17 the cross of Durham or Osgood or Grimmer or do you want one more
18 in South Warm Springs and one more north -- Warm Springs.
19 Gentlemen, if the Russians are going to give us the money, let's
20 have all four of them, but we are definitely broke right now.
21 And so we also have a tight budget thanks to those S and L
22 crooks so we -- yes, they took our \$5 billion away. So what are
23 we going to do now?

24 I suggest we only aim for one station, that is at
25 the crossing of Grimmer and Durham. There is plenty of space
26 available over there. It will serve the guys living up in the

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1 hills. Irvington District will be happy. It's pretty close to
2 them. And the population density here, the traffic generated by
3 Irvington District alone, I do not think this justifies having a
4 station so close to Fremont Station. And if other supervisors
5 can get along on friendly terms with Santa Clara, if they can
6 chip in some money, okay, then let's build one on the North Warm
7 Spring so San Jose can be served and other citizens can also be
8 served who go to those industrial areas.

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9 Now, this is another question. So therefore,
10 Irvington want a station. I also want it, perhaps, right next
11 to my house so I can walk to work; I don't have to use my car.
12 Let us put this question to ballot, to vote. After all,
13 Irvingtonians alone are not going to pay for this station. I
14 think all the citizens of Fremont City are going to pay for it,
15 therefore it is but right that all of them have a say in the
16 matter. And in due consideration to the Irvingtonians, let us
17 try to forcefully aim and focus at Durham and Grimmer crossing.
18 I think everybody's going to be happy. We'll save money. We
19 won't beg and borrow, and we will have a good station put up
20 over there.

21 Thank you very much.

22 MS. VERHEYEN: Thank you. Now, it's a lot more
23 interesting having people face the audience, but you realize
24 then their back is to me, and I'll have to go and tap on
25 shoulders. So if you don't mind, try to face this way so I can
26 monitor your time a little bit. If you insist, you can turn it

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1 around and speak to the audience, but then be prepared, I might
2 be coming up giving time or having Dave put up a little flag
3 saying, wrap it up. We just don't want people to go on 10 or 15
4 minutes.

5 Mr. Lieb.

7 JAMES LIEB

8 MR. LIEB: Thank you. My name is James Lieb. I'm a
9 resident of Fremont in the northern area. I'm addressing the
10 chairman, anyway, so I'm supposed to face this way.

11 A couple of comments, the proposed route to me seems
12 reasonable. I believe it's 2-A. The one that doesn't go quite
13 out of the way elevated is also reasonable. And it's reasonable
14 to me for one reason, is that for many years I was a soccer
15 referee, and the biggest impact there other than the sailing --
16 I don't know what the the wind currents are like out there. I
17 know they're pretty strong on soccer balls -- but the
18 Union Pacific and Southern Pacific Railroads generate far more
P-42 19 noise with their SD60s and whatever trying to drag things up the
20 hill than BART can ever do.

21 \$50,000,000 is a lot of money. In many respects we
22 in Fremont knew that that was going to eventually be an
23 extension through there and we went and built the lake anyway,
24 and we went and built the other areas, like the softball fields,
25 anyway. So as a taxpayer and as a person who extensively uses
26 the park, \$50,000,000 is a pretty high price to pay given the

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1 noise levels in comparison to the noise levels that are already
2 there.

3 The second thing is that I grew up in Los Angeles,
4 and we had the largest transportation system in the country many
5 years ago and we gave it all up. And being down there visiting
6 relatives this last week, I discovered that the latest
7 extensions of their transit system, which is starting to be
8 extensive again, is using the very same right-of-ways that were
9 there 110 years ago. We're about to go into the 21st century
10 basically in the same place we were in 20th century. And only
11 difference down there is that the cars are blue instead of red.

12 We have to view all of these impacts compared to the
13 alternatives. And one of the alternatives that was brought up
14 that people around here have forgotten is how handy is that
15 interchange down there to go into a potential Irvington or
16 Warm Springs Station that 238 freeway was supposed to go down
17 the right-of-way where those trains are now.

18 And I live fairly close to 880 and each one of the
19 environmental impacts of 880 are piling up one after another.
20 And now as you go down towards Oakland, you have these hideous
21 sound walls the whole distance, and if we keep it up all the way
22 to the Santa Clara County line, if we follow that logic, we're
23 going to have 20, 25-foot concrete walls on both sides of that
24 freeway and really, the noise and pollution and wiping out the
25 air currents, environmental impacts, are what will BART do and a
26 BART that is handling traffic, compared to a six-lane freeway

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1 with 25-foot sound walls.

2 All of this is tied together and the only complaint
3 I would have about the E.I.R. process itself is that we take
4 things in little tiny slivers and we never look at the whole
5 thing.

6 And an environmental impact of our own
7 transportation decisions is that around six months ago, 279
8 American servicemen gave their lives to defend the source of
9 oil. And over 200,000 Iraqis and other Middle Eastern peoples
10 gave up their lives to defend their point of view on oil. And
11 God knows how many people have been displaced over there and the
12 environmental impact in towns like Basra is rather significant
13 right now. And those are costs that are tied in to what it is
14 that we're doing as far as transportation is concerned here.

15 And really, any environmental impacts on
16 Lake Elizabeth, which is a lovely place, have to be compared to
17 what is that six-lane freeway next door going to look like
18 because either we do this or we do that and we spend an awful
19 lot of time arguing about transit things.

20 I don't recall nearly as much attention being paid
21 to the Highway 84 extension or what it is we are already doing
22 on 880, which is ruining my neighborhood. It's all a balance.

23 The obvious choice is, we'd all love to walk to
24 work, but it's a long walk and the costs involved to put them in
25 perspective of how expensive this is, the Dumbarton Bridge which
26 is really a four-lane bridge, cost us \$4 billion and it is less

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1 than a third of the distance of what this rail extension is
2 going to be. You pay it one way, or you pay it the other.

3 Thank you very much.

4 MS. VERHEYEN: Next we'd like to hear from
5 Glen Norman then Vaughn Wolffe. We're about halfway through the
6 number of speakers' cards I've had from the beginning.

7
8 GLEN NORMAN

9 MR. NORMAN: Thank you. I'll try to keep my
10 remarks brief. I'm Glen Norman. I live at 40425 Chapel Way in
11 the Irvington District. Just a couple of items here.

12 I, too, would like to address the issue of the draft
13 Environmental Impact Report not addressing the issue of the 238
14 abandoned right-of-way and using that right-of-way as direct
15 access to the Irvington Station. I certainly hope that that
16 matter will be addressed by the time the final Environmental
17 Impact Report comes out.

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18 As far as where the station should be, I believe
19 three stations along that 7.8 miles is excessive also, but I was
20 glad to see that Option 11 has come about. I believe that the
21 station is important to the Irvington District and that one
22 should be preserved. And if we're going to eliminate a station
23 somewhere, Warm Springs seems to be as likely a candidate as
24 anything.

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25 I believe we should extend to South Warm Springs if
26 we possibly can. I know there's grumbling about this being a

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P-44 1 gift to those evil hordes in Santa Clara County, but we can look
2 at it this way, too, the station is built to South Warm Springs
3 then we keep those invaders off our Fremont streets and highways
4 and that they can just funnel whatever evildoing they have in
5 mind into the South Warm Springs Station.

6 I'd also like to bring up the point that's been
7 barely touched on that BART runs south as well as north, and I'm
8 sure that there are many people in Alameda County who would
9 welcome being able to head south on BART toward Santa Clara
10 County with, hopefully in my lifetime, anyway, an eventual
11 connection with the Guadalupe Light Rail system that's now
12 planned to be extended east across the freeway into Milpitas. .

P-45 13 And finally, as far as the Lake Elizabeth issue is
14 concerned, I think I would prefer to see the line go underground
15 or at least depressed at Lake Elizabeth, too, and the apology of
16 something that I had mentioned back at the March 20th meeting,
17 but I'll try to remove the self-congratulatory element of it is
18 that I don't want to wake up in the year 2015 or 2020, read in
19 the newspaper that the City of Fremont and BART have come to an
20 agreement to share funding for a subway under Lake Elizabeth,
21 but at this point, it now costs \$150,000,000 instead of the
22 \$50,000,000 that we're talking about now. So please, BART, City
23 of Fremont and maybe Santa Clara County, if you're feeling
24 generous too, find some way to share the cost of this thing.
25 For heaven's sake, split it or something, but don't let it sit
26 and inflate. That's my point on the issue.

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1 MS. VERHEYEN: Thank you, sir.

2 I'd like to hear next from Vaughn Wolfe and then
3 Robert Allen.

4
5 VAUGHN WOLFFE

6 MR. WOLFFE: My name is Vaughn Wolfe, 1541 Cottage
7 Grove, San Mateo. You might wonder why I'm talking from
8 San Mateo, but since we're paying for this thing, I might as
9 well speak.

10 I think it's completely irresponsible for BART and
11 the City and County, and in particular Delaine Eastin's
12 representatives, to not inform the people here that although
13 Alameda County's been paying into the BART system for
14 essentially 30 years, you haven't even scratched the cost of
15 what it really costs.

16 The reason BART doesn't go around the bay is because
17 it costs \$100,000,000 a mile. That's why it doesn't go to
18 San Jose. That's why it won't go down the peninsula. It's
19 barely going to make it to the airport, and that's only because
20 Norman Mineta is writing it in as his favorite pork barrel
21 project for the Surface Transportation Act. \$540,000,000 would,
22 to give you an instance, pay for the complete electrification
23 from San Francisco to L.A. and buy the train sets to run it.

24 If you really want a BART extension to your lake, I
25 would suggest you put it north of the lake, connect with the
26 regular rail lines and use the other \$400,000,000 that you'd

OA-17

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OA-17 1 have extra to buy real trains, run them up to Sacramento, run
2 them off to the San Joaquin, and that would really take the
3 people off your highways and off your city streets.

4 Quit wasting money on this BART boondoggle and the
5 BART around the bay. It's jobs-generation project. It has
6 nothing to do with transportation. As you can tell, that's why
7 most of the BART employees are here tonight.

8 With the deficits of spending at the state and
9 federal level, it's totally irresponsible to spend a
10 \$100,000,000 a mile when modern conventional rail can be
11 provided with superior service, superior speed, superior range
12 and superior comfort for one-tenth that cost. Nobody in the
13 world builds BARTs. Everybody's had the example, and they've
14 all used it as a mistake to avoid.

15 If it's supposed to be a rapid transit district, let
16 me tell you that BART's average speed is 33 miles an hour,
17 Caltrain's average speed is 32 miles and 39 miles an hour for
18 express service. And BART can't do express service. And the
19 cost per passenger mile for Caltrain is 19 cents a mile; for
20 BART it's 21 cents a mile. It's supposed to go up to 25 cents a
21 mile, and for Caltrain, it's going to decrease.

22 If this is a modern, efficient system, keep in mind
23 by the year 2010 when it will be carrying almost 20,000 people,
24 it will be as antiquated as Caltrain is now. You will have paid
25 essentially a billion dollars for what we already have on the
26 West Bay.

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1 My final remark would be, something that costs this
2 much should provide better service and this won't even scratch
3 the surface of the 900,000 or 1.2 million trips that are
4 required to go into the Silicon Valley by the year 2010. You're
5 only going to be carrying 20,000 people.

6 Thank you.

7 MS. VERHEYEN: Thank you, Vaughn.

8 Robert Allen, and then we'll hear from
9 Dr. Jonelle Zager.

10
11 ROBERT ALLEN

12 MR. ALLEN: My name is Robert Allen. I'm a member
13 of the Committee on Public Rail Transit for the American Railway
14 Engineering Association.

15 The figures which were thrown at you are completely
16 out of the ballpark. BART costs somewhere in the neighborhood
17 of \$25,000,000 per mile where you can build at grade. It's
18 between 20 and 30 million for a double track BART line. The
19 figures were way out of line.

20 MR. WOLFFE: They're published in BART's
21 publication.

22 MR. ALLEN: The costs would be substantially reduced
23 if the cities would go ahead and do grade separations first.
24 And I would urge several factors in connection with the routes
25 that are adopted that it stay completely on the west side of the
26 Union Pacific. That the line not leapfrog over the railroad and

OA-18

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1 that it would have to leapfrog back in order to get into
2 Santa Clara. It's much better to keep BART at grade alongside
3 the railroads, between the railroads.

4 It might be possible to have one railroad operate,
5 have the S.P. move over, operate on the Union Pacific somewhat
6 as they do over the Altamont. For many decades there were two
7 railroads going over the Altamont. Now, the Southern Pacific
8 operates over the Union Pacific and that is on a Union Pacific
9 main line. It shouldn't be any great problem. I talked to the
10 Union Pacific man going out and he said there would be no
11 problem as far as the U.P. had, if the BART line were kept on
12 the west side of the Union Pacific where there is room in
13 between the railroads and minor track shifts might be made. A
14 station on the order of the Richmond Station could be put at,
15 say, at Warm Springs, South Warm Springs.

16 I've written this and talked at length and I'm
17 surprised that the people doing the environmental analysis have
18 not looked at the possibility of keeping BART between the
19 railroads and on the west side of the Union Pacific.

20 I would also urge that the cities go ahead and grade
21 separate roads. There are a number of major streets which now
22 cross what would be the BART line, Paseo Padre Parkway,
23 Washington Boulevard, a future Blacow Road, Warren Avenue,
24 Kato Road and in Milpitas, Dixon Landing Road. And if there
25 were -- grade separations cost somewhere in the neighborhood of
26 \$5,000,000 a piece. Roughly between 4 and 7 million is a

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1 typical grade separation which could be funded partly by the PUC
2 grade separation fund, by the cities, and by BART, and it would
3 greatly, greatly reduce, save many megabucks in the cost of
4 putting a BART line down toward the county line. For gosh
5 sakes, let's stop this design concept of leapfrogging the
6 railroads.

7 One other point I would like to make: Interstate
8 680, the access at Irvington, it's been mentioned before and
9 I've mentioned it repeatedly. There is a freeway interchange
10 which is now unused. And it would aim directly down. It ends
11 about a half a mile short of the BART Irvington Station. You
12 could go directly into an intermodule structure, parking, buses,
13 everything. You could charge parking tolls on that which would T-39
14 basically apply only to people coming up from Santa Clara
15 County, and I think that they would much rather pay, say, pay a
16 dollar to go directly into a parking structure rather than go on
17 through all the roundabouts on city streets and clog up your
18 streets.

19 There were errors in the E.I.R. For example, it
20 said that the 180 runs on 15 minute headways on commute hours,
21 30 minutes during the day. Well, that's what they are is about PD-29
22 30 minutes during the day. It said every 15 minutes and the
23 E.I.R. is wrong there, and somebody should take a good look at
24 it.

25 So far as Central Park is concerned, I would urge
26 that BART -- that consideration be made, now this is not to say OA-19

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OA-19 1 that it would be done, but that a grade, a route at grade,
2 through the park, dividing the active and the passive parts of
3 the park, and in the absence of an at-grade, a shallow cut,
4 which would still be open-air and still give passengers some
5 idea of the beauty of Fremont, perhaps converting that north
6 cove into an additional silting pond like the existing silting
7 pond putting BART at grade across there would save megabucks.
8 It would not be obtrusive. It would be less obtrusive than the
9 Southern Pacific tracks are now, where they toot their horn at
10 Paseo Padre.

11 And I would urge that a program of grade separation
12 be started immediately as a part of this project and also as a
13 separate city project.

14 Thank you.

15 MS. VERHEYEN: Thank you, Mr. Allen.

16 Next Dr. Jonelle Zager and then we would like to
17 hear from Mrs. Helen Kliment.

18
19 JONELLE ZAGER

20 DR. ZAGER: Jonelle Zager, 3100 Capitol Avenue,
21 Fremont. I am the chair of the Governmental Affairs Committee
22 for the Fremont Chamber of Commerce.

P-46 23 And what I would like to state is that the Chamber
24 of Commerce would like to reiterate the support for the
25 completion of a BART Warm Springs extension. We have been very
26 patient. We have supported an extension since BART's

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1 conception. And we now feel it is time that an extension be
2 completed.

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3 MS. VERHEYEN: Okay. Mrs. Helen Kliment and then
4 Jack Seymour.

5
6 HELEN KLIMENT

7 MRS. KLIMENT: I have a few comments to make. And
8 I'm not any expert. I'm supposed to be retired, which I'm not.
9 And my general concern is that I had very little time to go
10 through the Environmental Report.

11 And like they're saying about the subway could have
12 problems with the earthquake. Well, the same thing can happen
13 with the aerial. So I think it can happen either way.

14 My main concern is about safety in regarding the
15 railroads versing BART. I live on Valdez Way, 1585 Valdez Way,
16 I forgot to mention that, and that runs parallel of the Union
17 Pacific Railroad. And after hearing all the comments tonight,
18 I'd be for the plan to not even have BART go through the park.
19 Because reading the Environmental Report and living on
20 Valdez Way, there's a lot of things I don't think people are
21 aware of.

SS-9

22 The Union Pacific, when I moved here in 1977, was
23 just a spur track to Ford and the Southern Pacific was to
24 General Motors. Now, they are full blown with freight trains.
25 And we all know the records of the past few months of Southern
26 Pacific and Union Pacific and Amtrack. So if we're going to

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1 make passenger trains out of the railroads, think about the
2 record of Amtrack in the last year; think about Southern Pacific
3 and the hazard and the safety involved.

4 On March 27th of this year, the Union Pacific, at
5 7:15 in the morning, went down our track by my house and the one
6 wheel slipped off the rail. And it sounded like an earthquake.
7 It was shattering. And the engineer of the train didn't -- as
8 far as I know, is what I heard from the railway workers --
9 didn't stop and check the train and went on to Milpitas. Well,
10 you should see the damage to the ties. They have come out and
11 replaced them. They were absolutely splintered because as their
12 wheel went along, it tore it up.

13 So the trains, it's true, have been mentioned as
14 going ten miles an hour. Now, this is the fact because it was a
15 little piece in the paper that Union Pacific said that the wheel
16 went off the train, I think at Gomes Park, just a little bit
17 farther down from me and that it was minor. Well, I guess you
18 consider something like that minor if it doesn't derail.

19 And the hazard, those cars are carrying, it said in
20 the paper, something about it was carrying, it was a minor
21 thing, it was carrying car parts. Well, they carry a lot more
22 than car parts. There are chemical trains with the 1-800
23 number to call if they derail. There's lumber. There's coal.
24 There's car carriers, which is natural because they're going to
25 the plant. But there are a lot of different things like
26 piggyback, so if you have a derailment this can be serious. It

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1 can go either way.

SS-9

2 Now, I would be concerned about BART. If it has to
3 be any way, the subway would be the way to go. If it goes, I
4 read the report and it said now, it said on Valdez and Vaca, the
5 noise now exceeds the APTA criterion, right now as is. And the
6 day the train wheel came off, on March 27th of this year, the
7 BART people came out, that was at 7:15 and before noon, the BART
8 came out and placed speakers on my neighbor's house next door to
9 me. That was on for two days. It was taken off on the 29th.

10 And would you believe the rails were so weakened, I
11 guess, or whatever, they took precautions. You can mark that
12 out. I don't know the condition of the tracks. But in my
13 opinion, it must have been something wrong because they put the
14 speed down to ten miles an hour. And that's why all of the
15 traffic backed up going each way.

16 And before that, they had brought boulders out and
17 put them between the railroad track, between Hetch Hetchy pipe
18 and the railroad track, in order to strengthen the tracks
19 because there was a natural spring there. So that's why I'm
20 saying I'm concerned about the railroad and BART. And I would
21 hate to see railroads put on one line, you know, I think it's
22 very dangerous.

23 Also, they say there's going to be 139 sensors
24 placed somewhere in this area, this new line. And they say the
25 sensors are quite loud and they would have to be -- I didn't
26 quite understand it because I read this rather rapidly --

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N-11 1 encased in some kind of a wall. I'm not sure about that.

P-47 2 And then I'm also concerned about, they also
3 mentioned that, you know, the park is a beautiful, beautiful
4 place. I was very impressed with it. And it's a wonderful
5 place to walk. And people really use it. They were saying if
6 they go aerial, that the people walking under there, every time
7 a train goes by, they're going to have to stop talking. They're
8 not going to be able to hear each other. Well, isn't it nice to
9 have a beautiful park and you can't even talk to the person
10 you're walking with.

11 It looks like to me that there must be some way of
12 resolving this. The park can remain. This is known all over.
13 It's in the AAA book. It's one of the big things in Fremont.
14 Why can't we keep our park for a beautiful park, not make a zoo
15 out of it?

16 And then on top of it, you're talking about the
17 freeways, the traffic. Well, can you please tell me, if you
18 have four stations in Fremont, you mean to tell me we're all
19 going to have packs on our back and fly over to them. There's
20 going to have to be cars going from our homes to the BART
21 Stations. And I've lived here almost 12 years and I have yet to
22 be able to have a car and park in that BART station and walk
23 right in the door. It just isn't possible.

24 And then on top of it, a BART person told me you can
25 park way over there (indicating). And I have a sister I have to
26 take over to the doctor in San Francisco, and I have to bring

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1 her way back here. For me, it's not that good. Those are what
2 my big concerns are.

3 MS. VERHEYEN: Okay. I think we've covered your
4 five points.

5 MRS. KLIMENT: Okay. Thank you.

6 MS. VERHEYEN: Thank you, Mrs. Kliment.

7 Jack Seymour and then Mike Forney.

8
9 JACK SEYMOUR

10 MR. SEYMOUR: My name is Jack Seymour. I live at
11 3588 Ronald Court. And I'm with everybody else that I don't see
12 how you could expect us to read five pounds of the Environmental
13 Impact Report in 25 to 30 days. I didn't completely get to go
14 through mine.

15 It's noted, the possibility of moving the Union
16 Pacific tracks closer to my house and adding two more tracks
17 would add more noise pollution. And I notice that they only
18 talk about putting a seven-foot sound wall on BART track only.

19 I have a two-story house next to the railroad track.
20 My master bedroom window is 58 feet from the Southern Pacific
21 Railroad tracks. And I am very worried about the added noise
22 pollution that this is going to generate. And you made no
23 mention in your Environmental Impact Report about the two-story
24 houses on the railroad right-of-way, and you talked about
25 single-family dwellings which leads me to believe that you did
26 not notice the two-story houses along there.

N-12

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1 The Environmental Impact Report was mostly concerned
2 about the park area and the business area and the animals. I
3 noticed that's mostly what they talked about. I wonder, are
4 human beings being left out of the Environmental Impact Report?
5 Do we count? I don't know if we count or not. And I feel like
6 that BART should be stopped until BART can come up with a better
7 plan and be able to finish this in a first class time rather
8 than trying to put it through piecemeal at a time.

9 I've lived in my house for about 30 years and when
10 you first came out with the BART they said this will be a quiet
11 train, and you won't even know we're going by. And that was
12 told to people, but I have not heard of the BART being quiet
13 even at a short distance. Thank you.

14 MS. VERHEYEN: Thank you, Mr. Seymour.

15 Mike Forney and then Mary Jo Higgason.

16
17 MIKE FORNEY

18 MR. FORNEY: Mike Forney, 3045 Nightingale Place,
19 Fremont. I am a resident of Fremont and have been so for about
20 20 years.

21 I am here as a representative, specifically, of
22 Fremont Soccer, boys, girls and adults. And the eastern
23 alignment, the eastern-most alignment elevated, as an example,
24 would deprive the soccer organization, all of the kids,
25 specifically, in this city, of two of our fields, six and eight.

26 Believe me, it was a long hard-fought battle to even

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1 get those ten fields that we have at Central Park, and they only
2 accommodate approximately 60 percent of our boys and girls. We
3 need more fields, not less. We don't need railroad tracks on
4 the surface or up in the air. It's unsightly and certainly
5 noisy.

6 If I were a neighbor living along that railroad
7 corridor there and then BART was added on top of that coming by
8 every 15 minutes or so, I would certainly be unhappy with that
9 situation.

10 So our feeling is that an underground between the
11 existing soccer fields and the end of the lake there would be
12 preferable, possibly then we could use the area that would be
13 above BART for play areas, grassy play areas, and we would still
14 also maintain a habitat for the burrowing owls in some of those
15 areas.

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16 If BART is built, extended, I would prefer to see
17 three stations. Certainly, if we're going to get people out of
18 their cars, we have to have places where they can board these
19 types of transportation modules. I'm sure things are going to
20 change in the future, but we're not getting any better. We've
21 got to do something.

P-49

22 Back again to the field thing. I don't want to lose
23 soccer fields. And I can recall instances where people really
24 get upset about things that happen. The Cull Canyon Recreation
25 Area was supposed to have had a water slide, and I can recall
26 women placing themselves in jeopardy in front of bulldozer

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1 blades. And I commend that kind of activity when they're
2 wholeheartedly opposed to wanton kinds of developments.

3 And in my estimation, putting this above ground
4 through that Central Park area where we don't have enough land
5 as it is, we could use double that acreage, it just can amount
6 to slapping the citizenry of Fremont in the face.

7 MS. VERHEYEN: Thank you, Mr. Forney.

8 Mary Jo Higgason, and Bruce Aihara.

9
10 MARY JO HIGGASON

11 MS. HIGGASON: My name is Mary Jo Higgason. I live
12 at 43438 Newport Drive, right along the railroad tracks.
13 Needless to say, I'm not real thrilled with putting BART right
14 behind my house. I do agree with Lake Elizabeth subway because
P-50 15 my kids do play soccer, my husband is a soccer referee, and I
16 feel it would impact them quite a bit.

17 But my main concern is BART station, BART behind my
18 house. I'm right near the Irvington proposed station.
19 Unfortunately, I am not in total agreement with having an
20 Irvington Station. I travel a lot in that area. It will impact
21 me on a daily basis just to get around town. It would impact my
22 kids' wellbeing. They go to Grimmer Elementary. It will impact
23 the school's availability and how they can provide the education
24 for the children.

N-13 25 I've got a few questions, one, I did ask a question
26 at the May 20 meeting about sound bounce off against the BART

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1 trains and the trains when they go by at the same time. I
2 didn't find it in the Environmental Impact Report anywhere. It
3 wasn't covered.

4 And now they're talking about putting a sound
5 barrier wall on each side of the BART train seven feet high, but
6 inside, not outside, on either side of the railroad tracks. To N-13
7 my mind, that impacts that even more with more sound bounce off
8 when the BART goes by and the trains go by. And it doesn't
9 alleviate any problems. It just makes a greater problem. So
10 I'd really like to know where the impacts are.

11 There was another portion where it talked about
12 putting that sound barrier wall on both sides of BART would
13 impact the BART viewer ride and the historic Irvington scenery.
14 I'm sorry. I don't agree. I've got pictures from my backyard,
15 and they're not scenic. The only scenic thing is the little
16 winery. The rest of it is warehouses, fields, tractor trailer V-5
17 rigs. I mean, there's nothing pretty back there. Even though I
18 live there, I do look out there. It's nice not to see a bunch
19 of other houses except for the houses on the hill which I wish
20 we hadn't built either. Needless to say, I'm not real thrilled.

21 I guess one of the alternatives, I wish BART
22 wouldn't be there, I'd like Alternative A, although I know it's
23 one of the least liked alternatives, because it gets it away
24 from my backyard. They want to put a sound barrier wall in, why V-6
25 don't they put it behind our houses so we don't have to look at
26 the people every 15 minutes. It's not fair to us to lose our

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V-6 1 privacy. I've been there 12 years. I've been in Fremont just
2 about all my life. And I'd like to keep my privacy. It's not
3 fair for me to lose that just because people are going to be
4 behind my home.

N-14 5 And as far as the school goes, how is that going to
6 affect the sound on them because if they want an Irvington
7 District Station, from what my understanding is when that train
8 comes out and goes into Irvington District Station, it will
9 sound off its horns behind our house. They've talked about some
10 switches that make lots of noise back there. All I'm hearing is
11 more noise. I'm not seeing anything getting rid of any of it.
12 And I don't see how that's going to help me one bit.

13 Unfortunately, I commute to Santa Clara County so it
14 won't help me either, but I do use BART to go up to Oakland and
15 San Francisco and that so I'm not against the BART. I just
16 don't feel it should impact my life on a daily basis. It should
17 be able to help me out and my neighborhood. All my neighbors
18 feel the same way. We've all been talking about it, and
19 unfortunately, we can't all be here at the same time so a few of
20 us came just to make our thoughts known. I just hope that it
21 can be resolved that way.

SS-10 22 The other issue, too, at the Grimmer School is the
23 safety of the children. And kids love trains. Like they've
24 said, there have been accidents with the trains. That's just
25 going to be one more thing to take the kids' mind and put them
26 near the train tracks if there's a BART station there and

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1 there's no way of protecting them. And I just need to find out
2 how we're going to resolve all this.

3 I feel like in the Environmental Impact Report
4 they're more concerned about the animals, spring wells
5 underwater. The residents there are very low. Well, I'm sorry.
6 I think we're a little more important than the animals and the
7 spring wells underneath the ground. We are taxpayers of the
8 City of Fremont, and we should have our concerns heard and find
9 out how they're going to resolve them. And I really would like
10 the sound barrier, bounce off, sound off, all of that, how it's
11 going to impact. Thank you.

12 MS. VERHEYEN: Thank you. Please direct your
13 questions to BART staff if you can stay till the end.

14 Bruce Aihara and then we'll hear from Andrea Pohle.
15

16 BRUCE AIHARA

17 MR. AIHARA: My name is Bruce Aihara, and I live at
18 43426 Newport Drive. I'm a neighbor of Mary Jo's and our house
19 is also right close against the tracks there, too.

20 And reading about the recent incidents, the railroad
21 derailments, doesn't make me feel any better. But the addition
22 of BART in that area is also a real concern. When Mary Jo
23 brought up the point about the concurrence of the trains running
24 and BART running at the same time and what kind of noise impact
25 that would have, that was addressed at one of the previous
26 meetings for the draft Environmental Impact Report. And from

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N-15 1 what I understand, I certainly couldn't find that mentioned.

2 Plus now what sounds like the option of putting
3 large sound walls in between the tracks, the BART tracks and the
4 railroad tracks, that seems like that would exacerbate that
5 situation. It would cause more sound bounce off to our homes
6 and to the Grimmer Elementary School. I have a nine-year-old
7 that goes there now, and we also have a two-year-old. And
8 hopefully in the future -- Grimmer has been a very good
9 elementary school, and we'd like to keep it that way and help
10 improve it.

N-16 11 We have lived with the sound of the railroads as
12 they're going by now, and it is excessive, but it's not that
13 frequent. With BART in there, it seems like the sound will be a
14 lot more frequent. From what I understand, it doesn't seem like
15 there was that much thought as to the placement of the walls.
16 If the walls could be in between all the noise and receptors,
17 that would be one thing, but it seems like they're only putting
18 them by the BART tracks.

SS-11 19 The other thing, too is, in looking at the executive
20 summary -- I read a lot of reports in my work, and I know that a
21 lot of people only look at the summaries. And I think there was
22 only one box as far as safety and security. And I have seen
23 many people riding on the trains. And even with the wall, there
24 will still be people, hopefully, none of the kids from the
25 elementary school because elementary school grounds run fairly
26 close to the trains tracks also, but that doesn't seem adequate.

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SS-11

SE-3

1 Just to think the security plan is going to work would be one
2 thing, but I can only assume that costs for security, additional
3 people and additional materials for fences and BART, will go up.
4 And I don't think that is adequately covered.

5 Another thing, too, is really it's only really
6 highlighted in Alternative 8 which is, I believe, the aerial
7 that there would be significant residual impacts on residences
8 and the school. I mean, on all the design options and
9 alternatives, Grimmer Elementary is next to the train track.
10 And it is, as far as I know, the one school that would be
11 impacted by just about all of them except for the one that goes
12 down by Osgood.

13 And now hearing all the other things about the way
14 costs could go up, how much things really cost, I mean, I'm in
15 favor of rapid transit, but if everything's going to cost that
16 much and until there can be a connection between any kind of
17 rapid transit and Santa Clara Rapid Transit, the only thing I
18 can see is maybe the business interests hoping that with three
19 stations here in Fremont, we're going to have additional people
20 coming into Fremont and spending money and additional
21 industrialization which means more density in population, more
22 density of businesses, which to me kind of really detracts from
23 what Fremont is like now. And I don't think that's really
24 covered either.

25 You talk about getting people off the freeways.
26 Yes. But that's everybody north and east of us and Fremont. I

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1 commute to Sunnyvale and have for years and a lot of people I
2 work with either live in Fremont or Livermore or Pleasanton and
3 I don't see them -- they're not going to be riding this
4 extension into Santa Clara, you know, to the border of
5 Santa Clara. We really need transit that covers from here into
6 Sunnyvale and Palo Alto and into San Jose. And until there's a
7 connection, like I say, it just seems like there's going to be
8 more congestion here.

9 Thank you.

10 MS. VERHEYEN: Thank you for your comments.

11 Andrea Pohle, and Michael Keenly and our last
12 speaker, unless I receive another card, will be Alice Hoch.

13
14 ANDREA POHLE

15 MS. POHLE: My name is Andrea Pohle, and I live on
16 Benavente in Fremont. I have some questions that I'd like to
17 ask just to find out what the process is. What happens after
18 tonight?

19 MS. VERHEYEN: Okay. I can briefly --

20 MS. POHLE: I know that there's a meeting in
21 November that you're going to take all of this information.

22 MS. VERHEYEN: Well --

23 MS. POHLE: And then you'll come up with a final
24 E.I.R.

25 MS. VERHEYEN: Yes. I'll give you just an overview
26 of the steps. I wanted to do that at the end, anyway.

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1 The public comment period ends on August 26th, as
2 you know. Then the BART will prepare the final E.I.R. in
3 mid-November and then the decision by the BART Board happens in
4 mid-December. If you have more detailed questions about this or
5 the sequence of --

6 MS. POHLE: Well, is there going to be another
7 public hearing for the final E.I.R. to know what the final
8 decision is of the BART? In other words, whatever they decide,
9 happens, right?

GEN-9

10 MS. VERHEYEN: That's right. The decision rests
11 with the BART Board of Directors. It will be announced, of
12 course, and it will be --

13 MS. POHLE: And there's no time for rebuttal or
14 further discussion?

15 MS. VERHEYEN: The public comment period, I believe,
16 ends August 26th.

17 MS. POHLE: Is there going to be another open
18 hearing before that time other than this one tonight?

19 MS. VERHEYEN: Joan has an answer, a more detailed
20 answer for you.

21 MS. POHLE: I have to leave after this. I have to
22 be someplace else.

23 MS. KUGLER: Okay. I'll --

24 MS. POHLE: Well, maybe the other people would like
25 to know if there's going to be another meeting.

26 MS. KUGLER: You can give your comments to the City

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1 Council on August 20th. You can appear at the BART Board
2 meetings if you'd like to give further input.

3 MS. POHLE: When is the BART board meeting?

4 MS. KUGLER: The BART board meeting will be in
5 December. We about don't have the date set as of --

6 MS. POHLE: Is it daytime or nighttime?

7 MS. KUGLER: It will probably be a daytime meeting.
8 That's when the BART board --

9 MS. POHLE: I find that very interesting because
10 everybody's at work. Nobody can come to a daytime meeting when
11 this affects everybody and it should be in the evening, I would
12 think for something as important as this. Absolutely.

13 I also would like to make a comment that I noticed
14 that the E.I.R. for the Central Park Golf Course is now out.
15 And upon reading some of the comments that are made in that
16 E.I.R. report and your E.I.R., you make very, very little
17 reference and any mitigation for the golf course at Central
18 Park. You have not addressed that at all. And I am requesting
19 that the BART, whoever it is that's going to be doing this final
20 E.I.R., make some mitigating circumstances there because I find
21 it very conflicting.

22 There's going to be -- the way I read the E.I.R.
23 from the Central Golf Course is going to be on either side of
24 the train tracks, and if you've got BART going there, I find
25 that a little bit difficult for golfers to go on the other side
26 where BART is. And I think BART knew that this golf course was

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1 in the plans so I'm a little confused here.

2 Then after December when the BART makes their
3 decision, the board, that's it.

4 MS. VERHEYEN: I believe that's the --

5 MS. POHLE: Is Mr. Glenn going to be at that
6 meeting? I missed him tonight. I was expecting to see him here
7 and he wasn't here.

8 MS. VERHEYEN: I imagine he will, although I don't
9 know for sure.

10 MS. POHLE: I would really like to have you try to
11 have that meeting in the evening so that if there are people
12 here that wish to go -- or have it have publicly an announced in
13 the newspaper.

14 Which brings me to another question. How many times
15 was this meeting announced publicly?

16 MS. VERHEYEN: There were two adds placed in the
17 newspapers, I believe.

18 MS. POHLE: And one today.

19 MS. VERHEYEN: Yes.

20 MS. POHLE: The one I saw today.

21 MS. VERHEYEN: I believe so.

22 MS. POHLE: Well, I must have been sleeping then.
23 Is there another way with you can get the word out because I
24 think a lot of people missed it.

25 MS. VERHEYEN: Are you on the BART mailing list?

26 MS. POHLE: I am now. But have you not sent it to

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1 all the citizens in Fremont since it affects everybody?

2 AUDIENCE MEMBER: Publishing public meetings in the
3 newspaper has been standard in United States of America since
4 178- --

5 MS. POHLE: I am asking the board people, please.
6 Thank you.

7 MS. VERHEYEN: Okay.

8 MS. POHLE: Are you going to make any effort to try
9 to make it more of a -- you know, getting the word to all of the
10 people in the city?

11 MS. VERHEYEN: Basically, my role is to receive and
12 moderate comments. I don't have answers tonight. But I --

13 MS. POHLE: Okay. Well --

14 MS. VERHEYEN: -- encourage you to direct your
15 questions to --

16 MS. POHLE: Maybe you can take that with your
17 information there.

18 MS. VERHEYEN: Thank you, very much Ms. Pohle.
19 Thanks for your comments.

20 Michael Keenly and then Alice Hoch.

21
22 MICHAEL KEENLY

23 MR. KEENLY: Hi. My name is Michael Keenly. I
24 live at 3998 Lux Court in San Jose. I'm probably the only other
25 person besides Vaughn speaking at this hearing who lives outside
26 of this county.

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OA-20

1 I, like Vaughn, would like to see, first of all, a
2 Caltrain extension up here. It's a lot cheaper. We can do it
3 right now. The tracks are already there. It's kind of funny
4 how we're running the BART down the center of the tracks, and
5 we're not even using those tracks. It's kind of not seeing the
6 forest for the trees.

7 I was glad to get the document. I mentioned the
8 Caltrain thing, but I guess I know in my heart it's never really
9 going to happen so I went ahead and asked for a copy of the
10 document, and they sent it out to me. That was pretty nice. I
11 think the postage on it was about \$8.92. I guess we take all
12 those off out of the \$6,000,000 and we'll probably be down to
13 maybe \$5,000,000.

14 Anyway, I had time to review most of the document.
15 I spent my lunch hours and evenings. It's a huge, huge
16 document. Big sections of it, I didn't read because it was
17 either not applicable to what I was interested in, or it was
18 just plain boring, I guess.

19 Anyway, I came up with a decision on the proposed
20 projects or the alternatives and the one I felt to be the best,
21 out of all the choices that were given, was the proposed
22 project. I actually spent a couple of days on the weekend
23 riding my bicycle along the route to take a look at it and see
24 what it looks like.

25 And a couple of interesting things about the
26 proposed project that we should consider is possibly moving the

PD-30

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1 Union Pacific Railroad tracks west of where they are located now
2 although I know the Union Pacific Railroad Company wouldn't like
3 to see that. By doing this, we could probably not have to
4 remove three-quarters of all the commercial buildings that are
5 located on the east side right now, the east side of the Union
6 Pacific Railroad tracks. Most of these buildings are probably
7 less than ten years old. Actually, one, I think is just now
8 being completed. It runs right next to the U.P.R. tracks, and
9 it's probably going to be moved. I don't think anyone's moved
10 in there yet.

11 If I had to choose one of the design options through
12 Central Park, it would probably be Design Option 3, aerial. I
13 know a lot of people don't like aerial, but if we look around in
14 this neighborhood, or any of the neighborhoods, we build all
15 kinds of freeway structures, freeway overpasses, no one really
16 gives them a second thought. This is okay. This is part of
17 development. This is what happens. That's okay.

18 But once when we give transit a short shrift in some
19 way then, you know, this is okay. We can bury it. We can hide
20 it. Never give the transit rider a benefit. Always give the
21 car a benefit. You know, block it off with walls, whatever
22 we're going to do.

23 I really don't see detriment to the aesthetics of
24 the park, especially with Design Option 3. It won't cut across
25 the lake. It doesn't cut through the forest. It's about as
26 east as we can go. There's a lot of activities in the park,

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1 most of which happen on the northwest and south side and not as
2 much over on the east side. I know it's going to go through a
3 couple of baseball fields. It's unfortunate. They may have to
4 be relocated or whatever, but some of these things, they're
5 always going to have to be done.

6 The noise issue, I don't personally see that's an
7 issue. There are some mitigations to make noise on the BART
8 trains quieter. Some of these things haven't been done before.
9 I'm sure we can consider them similar to the Washington D.C.
10 Metro System. They have rubber bumpers or whatever. It makes
11 it a lot quieter. I'm sure we can consider some of these things
12 to make the noise impacts a lot less than they are which isn't
13 even that bad.

14 I'd like to make a couple of comments about the
15 Grimmer School. I rode my bicycle by there yesterday and if you
16 look out there right now, there are not even walls blocking the
17 school. There's a fence along the outside of the Grimmer School
18 which is three feet high, which means currently any child can
19 jump over the fence and walk in front of any freight train. So SS-12
20 instead of putting the walls in front of the BART -- or I'm
21 sorry, on either side of the BART, why not put the walls next to
22 the school? That way, the kids can't jump over the wall or
23 anything like that as they could currently.

24 I'd like to talk about the stations just for a
25 couple of minutes, or a minute. The three stations are good. P-52
26 The Irvington Station looks like a good location. It's right in

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P-52 1 the middle of the Irvington District. The Warm Springs Station
2 is probably a good station in the future. It's probably not
3 now. It may be a good idea to do the preliminary engineering on
4 it now and not actually build it. There's really nothing out
5 there right now except for agricultural fields, and if
6 development for some reason, I don't know why anything would
7 stop it, but if it didn't occur at that point then we really
8 wouldn't even need that station.

T-40 9 I also have something against the parking lots. I
10 think we should work towards increasing the bus service to the
11 parking lots or to the area of the stations and decrease the
12 size of the parking lots. I'm not sure if we need 2300 parking
13 spots at most of these stations, even on the Southern Warm
14 Springs Station. There's a meat packing plant. I don't know if
15 they've been notified, but they're building is going to be
16 removed under the design of the parking lot. I'm sure they
17 probably wouldn't be too happy about that.

18 In general, I'd like to say we need to look more
19 closely at the expense of these things. We don't -- like I said
20 before, if we move the Union Pacific west, we don't need to
21 remove all of these buildings. That's millions of dollars worth
22 of expense. If we keep it from going underground, that's
23 another million dollar savings. It doesn't always have to do
24 with savings, but we should definitely look at some of these
25 things.

26 Also the time it takes to finally get any transit

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1 system implemented, whether it's BART or light rail or whatever
2 it may be 10, 12, 13, 14, 15, 16 years from design to completion
3 is much too long. People don't want to keep waiting. We've
4 been voting for propositions, measures to increase funding for
5 transit, and it takes forever. We publish these huge documents
6 that people have to attempt to read, and it's overwhelming. No
7 one can even begin to comprehend this stuff.

8 Thank you.

9 MS. VERHEYEN: Thank you for your comments.

10 Next we'll hear from Alice Hoch and then I believe
11 that two other speakers who spoke previously would like to make
12 additional comments.

13
14 ALICE HOCH

15 MS. HOCH: I'm Alice Hoch and I live at
16 41727 Chilterm Drive. I've lived there for 25 years.

17 My main interest on this is on Central Park and
18 Lake Elizabeth. And my preference is for alternate 2-S, the
19 subway. And some of the reasons that I'm in favor of having a
20 subway instead of an aerial BART are, one, if you have this
21 subway, after the construction, there will be much less
22 destruction of habitat. With the aerial, you will lose lake
23 habitat; you will lose forest habitat, and you will lose
24 grasslands. If it is a subway, you won't lose those things.
25 Also, if it is a subway, you won't have the visual impact of the
26 aerial structures, and you won't have as much of a, much noise

P-53

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1 problem.

2 And as somebody else mentioned, that path around the
3 lake is used day and night early, late, rainy weather. I know
4 that I like to walk around. I walk through Gomes Park, through
5 the area between the tracks and then around the lake. If there
P-53 6 is an aerial structure, I don't think I'll walk around the lake
7 any more. I think, as somebody else said, the Central Park and
8 that lake are the gem of Fremont, and to blight it, which I
9 think an aerial structure would be a blight on it, I think
10 that's just foolish.

11 I also have for you some additions to the bird list
12 and one correction on it which I'll give you in a few minutes.
13 I also have one more suggestion and that is if you are going to
EC-12 14 mail out such a huge thing as the E.I.R., I really suggest that
15 you find a cheaper way to get it out. Perhaps you could send it
16 as printed matter, which it is, rather than as first class and
17 that might save the taxpayers a little money.

18 Thank you very much.

19 MS. VERHEYEN: Thank you very much, Alice.

20 Now, we'll hear from two repeat speakers,
21 Dehnert Queen and then Mohinder Singh.

22
23 DEHNERT QUEEN

24 MR. QUEEN: Thank you. Dehnert Queen. I don't
25 think I said I'm from San Francisco, and I wanted to listen to
26 this.

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1 I go to E.I.R. meetings all the time. And I think
2 the audience has caught on to the fact that this is essentially
3 a rubber stamp meeting. You're going to listen to comments.
4 You may respond to them in the E.I.R. Comments and Responses
5 section, but you're essentially going to rubber stamp what you
6 want in the meeting down the road.

7 And at this point in time or at no point in time,
8 can the public really do too much about it, except if the public
9 decides they really don't like this plan, or they want to see
10 alternatives and they put pressure on their local officials and
11 if necessary, file suit. It's the only way. Okay. I just want
12 to make that clear. This is, essentially, a rubber stamp
13 meeting.

14 And I'd just like to also just mention a couple of
15 other things that you won't get in the E.I.R. And much of this
16 comes out of a document I prepared not too long ago, and it's
17 called the Summary and Analysis of How M.T.C.s Bay Area Travel
18 Forecast, their computer modeling promulgates through city,
19 county E.I.R. resulting in factors phenomena on assumptions that
20 are suppressed in the E.I.R.'s public hearings in the media.

21 And just to give a couple of high points here,
22 essentially ABAG, Association of Bay Area Governments, and
23 M.T.C. have essentially decided they're going to have
24 high-density office space in San Francisco and high-density
25 housing in San Jose and somehow get BART down in San Jose in 30
26 years to do it. And we've already shown, till I'm blue in the

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1 face, they're going to waste \$2.7 billion alone in transit, and
2 when they're all done, it's not going to work. It's essentially
3 going to happen here, too.

4 This isn't my turf; this is your turf.
5 San Francisco peninsula is my turf. And I'm just trying to say
6 that the Bay Area residents don't wake up and understand that
7 the plans that are going on are not in your interest. And in
8 fact, your sales taxes are being used against you. If you don't
9 wake up and do something about it now, it's going to happen
10 because they know there's some real tragic, fatal flaws with
11 their plans.

12 For example, they know that the way they are going
13 to increase the density, they're going to create about 880,000
14 jobs, low-skill jobs for all practical purposes, in the next 15
15 years, but there's only going to be an increase of about 614,000
16 people. So there's going to be more jobs than people. That's
17 going to create a problem. That is a problem.

18 And they haven't said a thing about how they're
19 going to displace, I think, 187 businesses to make this project
20 go. You haven't heard one word about how they're going to help
21 those businesses relocate, how much it's going to cost to do
22 that, or even if they're going to help them.

23 And what they're really doing is eliminating skilled
24 jobs that pay a working wage so you can afford to buy a house
25 here in town, and they're going to replace it with high-density,
26 probably up-scale office space around the BART stations that

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1 will essentially be minimum wage jobs that the taxpayer is going
2 to have to provide subsidies for so that they can live here.
3 You'll have the same problems here in this area as San Francisco
4 has.

5 And just to give you an idea of how bad it's gotten,
6 the number of residents in San Francisco has gone from 21 per
7 acre in 1980, and it's expected to be at about 25 per acre in
8 the year 2,000. Just to show you how high it is, Santa Clara is
9 now at 1.5 people per acre. Do you see the density? And
10 density increases problems and crime and traffic and taxes and
11 so the thing you've got to watch out for the most is density.

12 And the plan that the M.T.C. has, again, is having
13 high-density work space in one area, force you to commute or get
14 on a train, and live in another area. And the best way to do it
15 is to have a one-to-one ratio for every 1,000 square feet of
16 office space built, which is roughly four people, you build the
17 same ratios of houses so people can live and work in the areas
18 that they live in.

19 Transit will never work. And right out of this
20 report, which is my final comment, the M.T.C. publishes, which
21 you'll never see, that they know that the number of people who
22 are going to use transit is going down over the next 20 years.
23 They know it's going to go down. In fact, automobiles are going
24 to go up and they even have a quote in their E.I.R. "The
25 project," which defines all of the transit and roadway projects
26 for the Bay Area for the next 20 years, quote:

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1 "The project would require an irreversible
2 commitment of financial resources to the development
3 of the project elements."
4 which includes this one.

5 "The project would require an irreversible
6 commitment to satisfy a mobility needs primarily
7 through automobile accessibility."

8 So BART's going to build their huge empire, but
9 everybody knows everybody's going to use cars.

10 That's all I'm going to say.

11 MS. VERHEYEN: Thank you, Mr. Queen.

12 Next, Mr. Singh. I believe he'll be our last
13 speaker tonight.

14
15 MOHINDER SINGH

16 MR. SINGH: Thank you for giving me the double
17 time.

18 First of all, I have a word of good cheer for
19 Irvingtonians. Since I've lived at Fremont Station, I've
20 noticed that people come from as far away as Concord, Richmond
21 and even San Francisco, yeah, San Francisco, too, just to shop
22 in our Newpark Mall and to shop at the Fremont Hub. Because they
23 all ask me, what bus to take to Fremont Hub, what bus to take
24 Newpark Mall, and I say, "29."

25 So therefore, if Irvington District has really
26 something great, different, pleasant and happy to offer the

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1 shoppers of the Bay Area, I assure you they are going to come.
2 So put your minds to offering something unique that other
3 localities around do not have to offer. Now, you have
4 entertainment for children, come shopping, come everything what
5 you can think of.

6 The second point is that as a station agent, I've
7 noticed that our parking lots are getting more and more
8 dangerous. There is no station which does not have two or three
9 cars break in almost every day. And this number is only
10 increasing. It is not decreasing. I believe when the BART was
11 planned, the people who planned the BART, the leaders who put it
12 in, had promised the voters, as a general idea, that we will
13 offer you free parking space because I also realized when I came
14 to America six years ago, free parking space is not available in
15 this country. So therefore, it is a very appealing idea. And
16 now that they make their commitment, they don't want to go back
17 on it.

18 But I do feel that if not in the stations which have
19 already been built, at least in the future station they are
20 going to build here, one, two or three or whatever the voters
21 want, we should have about 50 percent parking space as secured
22 paid parking space where we can leave our cars, maybe pay \$1,
23 maybe pay \$2 for the day, whatever, which will pay for the
24 person who is engaged to take care of the lot so that we have an
25 option now. If you don't want to pay money and be unsafe, okay,
26 park in the free space. But if you want to be safe or park

GEN-10

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1 overnight, get in there and pay the money.

2 I think we should very seriously, BART people
3 should, please note that we should definitely insert this right
4 in into our huge plans that we should have some, 50 percent, 25
5 percent, 20 percent, of the area allocated for paid, secure,
6 wired-in, parking lot.

7 Okay. Thirdly, I think these two points go hand in
8 hand. I think we should stop our BART extension at the station
9 we want to build across the lake. Because right now the other
10 station or the other two stations are only going to be used by
11 Santa Clara the most, and they haven't paid us a cent. If they
12 can pay for it, let's build it. If they don't want to pay for
13 it and join hands with us, although we live in the same area, we
14 all use the same facilities together. We live together, and we
15 work together. Why not join it right now? I say Santa Clara
16 get out, join now.

17 But if they don't, let's not think of that
18 extension yet. Save our dollars and have a real good system
19 going under the lake, save the lake, save the park, and have a
20 good station as I said earlier either at Durham and Fremont
21 Boulevard or Durham and Grimmer Boulevard which is still close
22 to Irvington District.

23 And do I have another point? Let me see. Okay.
24 That's it, I think. I'm done. And I wish you good luck.

25 Oh, yes, last point. Please, very important. As
26 you said earlier, there is going to be Board of Directors

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1 meeting in December. And the previous speaker keeps on saying
2 it's a rubber stamp meeting. And I, in order to make it a
3 non-rubber stamp meeting, I suggest that the Fremont citizens
4 get up now, organize a voting on the subject so that we make a
5 majority view known to the Board of Directors.

6 And I'm sure Mr. John Glenn, who represents us, will
7 have no other choice but to go with it and the Board of
8 Directors will have no other choice but to go with it because
9 this is our city. Extension is being built in our city.
10 Therefore, it is our vital interest. Let's put the letters to
11 each other, let's keep calling each other please get a meeting
12 together, one meeting, two meeting, three meeting, whatever it
13 takes to get the majority people out, and put the majority voice
14 up, and put it to the Board in a meeting.

15 Thank you very much. Good night.

16 MS. VERHEYEN: Thank you for all the comments, the
17 feedback, the input. BART will take it under consideration and
18 respond to it in the final E.I.R. which will be prepared in
19 mid-November and then as you know, BART Board of Directors will
20 make a decision in mid-December. If you have further comments,
21 I encourage you to fill out one of these comment cards, mail it
22 back or write a letter to that address and, again, there's still
23 some time to make your opinions and voice heard.

24 Thank you so much for attending. Good night.

25 (Proceedings adjourned at 9:54 p.m.)
26

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ALAMEDA)
4

5 I, the undersigned, a Shorthand Reporter of the
6 State of California, hereby certify that these proceedings were
7 taken at the time and place stated herein; that the testimony of
8 the parties was stenographically reported by me and was
9 thereafter transcribed under my direction into typewriting; and
10 that the foregoing is a full, complete and true record of said
11 testimony.

12 I further certify that I am not of counsel or an
13 attorney for any of the parties and witnesses named herein, nor
14 am I in any way interested in the outcome of the cause named in
15 these proceedings.

16
17 IN WITNESS WHEREOF, I have hereunto set my hand on
18 this 23rd day of August 1991.
19
20
21

22
23 Susan Kähler

24 SUSAN KAHLER, Shorthand Reporter
25 State of California
26

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